रजिस्ट्री सं. डी. एल. (एन.) 04/0007/2003—05

REGD. NO. D. L. (N) 04/0007/2003—05

सत्यमेव जयते

भारत का राजपत्र
The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

साप्ताहिक
WEEKLY

सं. 1] नई दिल्ली, जनवरी 1—जनवरी 7, 2012, शनिवार/पौष 11—पौष 17, 1933
No. 1] NEW DELHI, JANUARY 1—JANUARY 7, 2012, SATURDAY/PAUSA 11—PAUSA 17, 1933

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके ।
Separate Paging is given to this Part in order that it may be filed as a separate compilation.

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India (Other than the Ministry of Defence)

विधि और न्याय मंत्रालय

(विधि कार्य विभाग)

नई दिल्ली, 23 दिसम्बर, 2011

का. आ. 1.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 (यथा संशोधित 1987) के नियम 10 के उपनियम (4) के अनुसरण में विधि और न्याय मंत्रालय, विधि कार्य विभाग के प्रशासनिक नियंत्रण के अधीन निम्नलिखित कार्यालय को, जिसके 80 प्रतिशत से अधिक कर्मचारीवृंद ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :–

1. आयकर अपील अधिकरण, कोलकाता न्यायपीठ, कोलकाता ।

[फा. सं. ई-11011(4)/2011-रा.भा. (वि.का.)]
एम. के. शर्मा, संयुक्त सचिव एवं विधि सलाहकार

MINISTRY OF LAW AND JUSTICE

(Department of Legal Affairs)

New Delhi, the 23rd December, 2011

S.O. 1.—In pursuance of Sub-Rule (4) of Rule 10 of the Offical Language (Use for Official Purpose of Union) Rules, 1976 (as amended in 1987), the Central Government hereby notifies the following Office under the administrative control of the Department of Legal Affairs, Ministry of Law and Justice, where more than 80% staff have acquired the working knowledge of Hindi :

1. Income Tax Appellate Tribunal, Kolkata Bench, Kolkata.

[F. No. E-11011(4)/2011-O.L. (L.A.)]
M. K. SHARMA, Jt. Secy. & Legal Adviser

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 23 दिसम्बर, 2011

का. आ. 2.—केन्द्रीय सरकार एतद्द्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) जनरल क्लाज़िज एक्ट, 1897 (1897 का अधिनियम सं. 10) की धारा 16 के साथ पठित धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए इस विभाग की दिनांक 18-7-2011 द्वारा जारी की गई अधिसूचना सं. 225/24/2011-एवीडी-II जो कि मध्य प्रदेश उच्च न्यायालय, जबलपुर में मामले का संचालन करने के लिए श्री आर. के. सामैय्या, वकील की केन्द्रीय अन्वेषण ब्यूरो के विशेष लोक अभियोजक के रूप में नियुक्ति के संबंध में थी, उक्त नियुक्ति को रद्द करती है ।

[फा. सं. 225/24/2011-ए.वी.डी.-II]
राजीव जैन, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 23rd December, 2011

S.O. 2.—In exercise of the powers conferred by sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974) read with Section 16 of the General Clauses Act, 1897 (Act No. 10 of 1897), the Central Government hereby cancel the appointment of Shri R. K. Samaiya, Advocate as Special Public Prosecutor of the Central Bureau of Investigation in the Madhya Pradesh High Court at Jabalpur issued vide this Department Notification No. 225/24/2011-AVD-II dated 18-7-2011.

[F. No. 225/24/2011-AVD-II]
RAJIV JAIN, Under Secy.

नई दिल्ली, 23 दिसम्बर, 2011

का. आ. 3.—केन्द्रीय सरकार एतद्द्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए गुजरात राज्य, गांधीनगर में दिल्ली विशेष पुलिस स्थापना (के.अ.ब्यूरो) द्वारा स्थापित मामलों तथा केन्द्रीय अन्वेषण ब्यूरो द्वारा सौपे गए परीक्षण न्यायालयों और अपीलों/पुनरीक्षणों अथवा विधि द्वारा स्थापित अपीलीय न्यायालयों या पुनरीक्षणों संबंधी मामलों से उद्भूत अन्य मामलों का संचालन करने के लिए श्री आई. एच. सईद, वकील को विशेष लोक अभियोजक के रूप में नियुक्त करती है ।

[फा. सं. 225/4/2011-ए.वी.डी.-II]
राजीव जैन, अवर सचिव

New Delhi, the 23rd December, 2011

S.O. 3.—In exercise of the powers conferred by sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Shri I. H. Syed, Advocate as Special Public Prosecutor for conducting prosecution of cases instituted by Delhi Special Police Establishment (C.B.I.) in the State of Gujarat at Gandhinagar as entrusted to him by the Central Bureau of Investigation in the trial courts and appeals/revisions or other matters arising out of these cases in revisional or appellate courts established by law.

[F. No. 225/4/2011-AVD-II]
RAJIV JAIN, Under Secy.

नई दिल्ली, 23 दिसम्बर, 2011

का. आ. 4.—केन्द्रीय सरकार एतद्द्वारा दण्ड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए माननीय दिल्ली उच्च न्यायालय, नई दिल्ली में केस संख्या आर.सी. 8(ए)/91-एस.आई.यू.-VIII/(ई.ओ.यू.-IV)/एन.डी. (श्री ओ. पी. शर्मा का डी. ए. मामला) का सी.बी.आई. की ओर से संचालन करने के लिए श्री विकास पाहवा, एडवोकेट को दिल्ली विशेष पुलिस स्थापना (सी.बी.आई.) का विशेष लोक अभियोजक नियुक्त करती है ।

[फा. सं. 225/52/2011-एवीडी-II]
राजीव जैन, अवर सचिव

New Delhi, the 23rd December, 2011

S.O. 4.—In exercise of the powers conferred by sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Shri Vikas Pahwa, Advocate as Special Public Prosecutor of Delhi Special Police Establishment (CBI) for appearing on behalf of CBI in the Hon'ble Delhi High Court at New Delhi in Case No. RC 8(A)/91-SIU-VIII/(EOU-IV)/ND (DA case against Shri O. P. Sharma).

[F. No. 225/52/2011-AVD-II]
RAJIV JAIN, Under Secy.

नई दिल्ली, 26 दिसम्बर, 2011

का. आ. 5.—केन्द्रीय सरकार एतद्द्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केरल राज्य सरकार, गृह (एम) विभाग, तिरुअन्नतपुरम की दिनांक 25 जुलाई, 2011 की अधिसूचना सं जी.ओ. (एम एस) सं. 164/2011/गृह द्वारा प्राप्त सहमति से श्री वी. बी. उन्नीथान, संवाददाता, मथरुभूमि दैनिक पर हमले के संबंध में अपराध शाखा सीआईडी के अपराध सं. 100/सीआर/ईओडब्ल्यू-I/केएमएम/2011 के रूप में पुनः संख्यांकित किया गया है, पुलिस स्टेशन सस्थामकोट्टा, जिला कोल्लम (केरल) में पंजीकृत भारतीय दंड संहिता, 1860 (1860 का अधिनियम सं. 45) की धारा 143, 147, 148, 324, 326, 308 तथा 149 के अधीन अपराध सं. 441/2011 का तथा प्रयास, दुष्प्रेरण तथा उपर्युक्त उल्लिखित अपराधों के संबंध में अथवा इससे संबद्ध तथा इसी संव्यवहार में किया गया कोई अपराध या अपराधों या इन्हीं तथ्यों से उद्भूत अपराध का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों तथा क्षेत्राधिकार का विस्तार एतद्द्वारा सम्पूर्ण केरल राज्य के सम्बन्ध में करती है ।

[फा. सं. 228/58/2011-एवीडी-II]
राजीव जैन, अवर सचिव

New Delhi, the 26th December, 2011

S.O. 5.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Kerala, Home (M) Department, Thiruvananthapuram vide Notification G.O. (Ms.) No. 164/2011/Home dated 25th July, 2011 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Kerala for investigation of Crime No. 441/2011 under Sections 143, 147, 148, 324, 326, 308 and 149 of the Indian Penal Code, 1860 (Act No. 45 of 1860) registered at Police Station Sasthamkotta, District Kollam (Kerala), renumbered as Crime No. 100/CR/EOW-I/KMM/2011 of the Crime Branch CID relating to attack on Sri V. B. Unnithan, Correspondent, Mathrubhoomi

Daily and attempt, abetment and conspiracy in relation to or in connection with the above mentioned offences and any other offence or offences committed in course of the same transaction or arising out of the same facts.

[F. No. 228/58/2011-AVD-II]
RAJIV JAIN, Under Secy.

नई दिल्ली, 28 दिसम्बर, 2011

का. आ. 6.—केन्द्रीय सरकार एतद्द्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केरल राज्य सरकार, गृह (एसएसए) विभाग, तिरुअन्तपुरम की दिनांक 8 मार्च, 2011 की अधिसूचना सं 59262/एस.एस. ए-2/2010/गृह तथा 11 नवंबर, 2011 की अधिसूचना सं. 59262/एस.एस.ए.-2/2010/गृह द्वारा प्राप्त सहमति से सी.बी., सी.आई.डी., तिरुअन्तपुरम पुलिस स्टेशन में पंजीकृत,एक्सपलोसिव सब्सटैन्स एक्ट, 1908 (1908 का अधिनियम सं. 6) की धारा 3, 4 और 5 के अंतर्गत केस अपराध सं. 02/सी.आर./ओसीडब्ल्यू-1, टीवीपीएम/2010 का तथा उपर्युक्त उल्लिखित अपराध के संबंध में या उससे संबद्ध प्रयास, दुष्प्रेरण तथा षडयंत्र तथा उसी संव्यवहार में किया गया या उन्हीं तथ्यों से उद्भूत कोई अन्य अपराध या अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों तथा क्षेत्राधिकार का विस्तार सम्पूर्ण केरल राज्य के सम्बन्ध में करती है ।

[फा. सं. 228/28/2011-एवीडी-II]
राजीव जैन, अवर सचिव

New Delhi, the 28th December, 2011

S.O. 6.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Kerala, Home (SSA) Department, Thiruvananthapuram vide Notification No. 59262/SS A-2/2010/Home dated 8th March, 2011 and No. 59262/SS A-20.0/Home dated 11th November, 2011, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Kerala for investigation of case crime No. 02/CR/OCW-1, TVPM/2010 U/s. 3, 4 and 5 of Explosive Substances Act, 1908 (Act No. 6 of 1908) registered at Police Station CB CID, Thiruvanthapuram and attempt, abetment and conspiracy in relation to or in connection with the above mentioned offence and any other offence or offences committed in course of the same transaction or arising out of the same facts.

[F. No. 228/28/2011-AVD-II]
RAJIV JAIN, Under Secy.

नई दिल्ली, 30 दिसम्बर, 2011

का. आ. 7.—केन्द्रीय सरकार एतद्द्वारा दण्ड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए हरियाणा राज्य में दिल्ली विशेष पुलिस स्थापना (के.अ.ब्यूरो) द्वारा स्थापित मामलों तथा केन्द्रीय अन्वेषण ब्यूरो द्वारा सौंपे गए परीक्षण न्यायालयों और अपीलों/पुनरीक्षणों अथवा विधि द्वारा स्थापित अपीलीय न्यायालयों या पुनरीक्षणों संबंधी मामलों से उद्भूत अन्य मामलों का संचालन करने के लिए निम्नोक्त वकील को लोक अभियोजक के रूप में नियुक्त करती है :

1. श्री रविन्द्र प्रकाश वर्मा

[फा. सं. 202/5/2011-एवीडी-II]
राजीव जैन, अवर सचिव

New Delhi, the 30th December, 2011

S.O. 7.—In exercise of the powers conferred by sub-section (2) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints following Advocate in Central Bureau of Investigation as Public Prosecutor for conducting the prosecution of cases in the State of Haryana instituted by the Delhi Special Police Establishment (CBI) in trial courts and appeals, revisions or other matters arising out of these cases in revisional or appellate Courts, established by law :

1. Shri Ravinder Parkash Verma

[F. No. 202/5/2011-AVD-II]
RAJIV JAIN, Under Secy.

नई दिल्ली, 30 दिसम्बर, 2011

का. आ. 8.—केन्द्रीय सरकार एतद्द्वारा दण्ड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केरल राज्य में दिल्ली विशेष पुलिस स्थापना (के.अ.ब्यूरो) द्वारा स्थापित मामलों तथा केन्द्रीय अन्वेषण ब्यूरो द्वारा सौंपे गए परीक्षण न्यायालयों और अपीलों/पुनरीक्षणों अथवा विधि द्वारा स्थापित अपीलीय न्यायालयों या पुनरीक्षणों संबंधी मामलों से उद्भूत अन्य मामलों का संचालन करने के लिए श्रीमती मिनि एम. नायर, वकील को लोक अभियोजक के रूप में नियुक्त करती है ।

[फा. सं. 202/5/2011-एवीडी-II]
राजीव जैन, अवर सचिव

New Delhi, the 30th December, 2011

S.O. 8.—In exercise of the powers conferred by sub-section (2) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Mrs. Mini M. Nair, Advocate in Central Bureau of Investigation as Public Prosecutor for conducting the prosecution of cases in the State of Kerala instituted by the Delhi Special Police Establishment (CBI) in trial courts and appeals, revisions or other matters arising out of these cases in revisional or appellate Courts, established by law

[F. No. 202/5/2011-AVD-II]
RAJIV JAIN, Under Secy.

नई दिल्ली, 30 दिसम्बर, 2011

का. आ. 9.—केन्द्रीय सरकार एतद्द्वारा दण्ड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए परीक्षण न्यायालयों तथा अपीलों/पुनरीक्षणों या पुनरीक्षण या विधि द्वारा स्थापित पुनरीक्षण या अपीलीय न्यायालयों में इन मामलों से उत्पन्न अन्य मामले जोकि दिल्ली विशेष पुलिस स्थापना (के.अ.ब्यूरो) द्वारा संस्थापित किए गए हैं, स्थानीय क्षेत्र जिसमें सारा आंध्र प्रदेश राज्य सम्मिलित है, में अभियोजन मामलों का संचालन करने के लिए निम्नोक्त वकीलों को केन्द्रीय अन्वेषण ब्यूरो के लोक अभियोजक के रूप में नियुक्त करती है :

1. श्री के. राममूर्ति
2. सुश्री पी. शोभना लक्ष्मी
3. श्री वी. विक्रम कुमार
4. श्री बी. बी. राघव राव

[फा. सं. 202/5/2011-एवीडी-II]
राजीव जैन, अवर सचिव

New Delhi, the 30th December, 2011

S.O. 9.—In exercise of the powers conferred by sub-section (2) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints following Advocates in Central Bureau of Investigation as Public Prosecutor for conducting the prosecution of cases in the State of Andhra Pradesh instituted by the Delhi Special Police Establishment (CBI) in trial courts and appeals, revisions or other matters arising out of these cases in revisional or appellate Courts, established by law :

1. Shri K. Ram Murthy
2. Ms. P. Sibhana Lakshmi
3. Shri V. Vikram Kumar
4. Shri V. V. Raghava Rao

[F. No. 202/5/2011-AVD-II]
RAJIV JAIN, Under Secy.

नई दिल्ली, 30 दिसम्बर, 2011

का. आ. 10.—केन्द्रीय सरकार एतद्द्वारा दण्ड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए परीक्षण न्यायालयों तथा अपीलों/पुनरीक्षणों या पुनरीक्षण या विधि द्वारा स्थापित पुनरीक्षण या अपीलीय

न्यायालयों में इन मामलों से उत्पन्न अन्य मामले जोकि दिल्ली विशेष पुलिस स्थापना (के.अ.ब्यूरो) द्वारा संस्थापित किए गए हैं, स्थानीय क्षेत्र जिसमें सारा पश्चिम बंगाल राज्य सम्मिलित है, में अभियोजन मामलों का संचालन करने के लिए निम्नोक्त वकीलों को केन्द्रीय अन्वेषण ब्यूरो के लोक अभियोजक के रूप में नियुक्त करती है :

1. श्री तपोश बासु
2. श्री बिमल किशोर प्रसाद
3. श्री रवि शंकर
4. श्री मरिनाल कान्ति देब

[फा. सं. 202/5/2011-एवीडी-II]
राजीव जैन, अवर सचिव

New Delhi, the 30th December, 2011

S.O. 10.—In exercise of the powers conferred by sub-section (2) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints following Advocates in Central Bureau of Investigation as Public Prosecutor for conducting the prosecution of cases in the State of West Bengal instituted by the Delhi Special Police Establishment (CBI) in trial courts and appeals, revisions or other matters arising out of these cases in revisional or appellate Courts, established by law :

1. Shri Taposh Bosu
2. Shri Bimal Kishore Prasad
3. Shri Ravi Shankar
4. Shri Mrinal Kanti Deb

[F. No. 202/5/2011-AVD-II]
RAJIV JAIN, Under Secy.

नई दिल्ली, 30 दिसम्बर, 2011

का. आ. 11.—केन्द्रीय सरकार एतद्द्वारा दण्ड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तमिलनाडु राज्य में दिल्ली पुलिस स्थापना (के.अ.ब्यूरो) द्वारा स्थापित मामलों तथा केन्द्रीय अन्वेषण ब्यूरो द्वारा सौंपे गए परीक्षण न्यायालयों और अपीलों/पुनरीक्षणों अथवा विधि द्वारा स्थापित अपीलीय न्यायालयों या पुनरीक्षणों संबंधी मामलों से उद्भूत अन्य मामलों का संचालन करने के लिए निम्नोक्त वकीलों को लोक अभियोजक के रूप में नियुक्त करती है :

1. श्री बी. मोहन
2. श्री एन. बासकरन
3. श्री एन. टी. मोहम्मद इब्राहिम

[फा. सं. 202/5/2011-एवीडी-II]
राजीव जैन, अवर सचिव

New Delhi, the 30th December, 2011

S.O. 11.—In exercise of the powers conferred by sub-section (2) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints following Advocates in Central Bureau of Investigation as Public Prosecutor for conducting the prosecution of cases in the State of Tamil Nadu instituted by the Delhi Special Police Establishment (CBI) in trial courts and appeals, revisions or other matters arising out of these cases in revisional or appellate Courts, established by law :

1. Shri B. Mohan
2. Shri N. Baaskaran
3. Shri N. T. Mohamed Ibrahim

[F. No. 202/5/2011-AVD-II]
RAJIV JAIN, Under Secy.

नई दिल्ली, 30 दिसम्बर, 2011

का. आ. 12.—केन्द्रीय सरकार एतद्द्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित अपराधों को दिल्ली विशेष पुलिस स्थापना द्वारा अन्वेषण किए जाने के लिए विनिर्दिष्ट करती है, नामत: :–

(क) भारतीय दंड संहिता 1860 (1860 का अधिनियम सं. 45) की धारा 434 के अंतर्गत दंडनीय अपराध, तथा

(ख) उपर्युक्त उल्लिखित अपराध से सम्बद्ध या उसके सम्बन्ध में प्रयास, दुष्प्रेरणा तथा षडयंत्र ।

[फा. सं. 228/79/2011-एवीडी-II]
राजीव जैन, अवर सचिव

New Delhi, the 30th December, 2011

S.O. 12.—In exercise of the powers conferred by Section 3 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government hereby specifies the following offence which is to be investigated by the Delhi Special Police Establishment namely :—

(a) Offence punishable under Section 434 of the Indian Penal Code, 1860 (Act No. 45 of 1860) and

(b) Attempt, abetment and conspiracy in relation to or in connection with the offence mentioned above.

[F. No. 228/79/2011-AVD-II]
RAJIV JAIN, Under Secy.

कार्यालय, मुख्य आयकर आयुक्त

जयपुर, 22 दिसम्बर, 2011

सं. 12/2011-12

का.आ. 13.—आयकर नियम, 1962 के नियम 2 सी ए के साथ पठनीय आयकर अधिनियम, 1961 (1961 का 43वां) की धारा 10 के खण्ड (23 सी) की उप-धारा (vi) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मुख्य आयकर आयुक्त, जयपुर एतद्द्वारा निर्धारण वर्ष 2011-2012 एवं आगे के लिए कथित धारा के उद्देश्य से "राकेश ऐकेडमी शिक्षा समिति, पिलानी, जिला-झुन्झुनु (स्थाई खाता संख्या AAAAR2639F)" की स्वीकृति देते हैं ।

2. बशर्ते कि समिति आयकर नियम 1962 के नियम 2 सी ए के साथ पठनीय आयकर अधिनियम, 1961 की धारा 10 के उप-खण्ड (23सी) की उप-धारा (vi) के प्रावधानों के अनुरूप कार्य करें ।

[क्रमांक : मुआआ/अआआ/(मु.)/जय/10(23सी)(vi)/2011-12]
बृजेश गुप्ता, मुख्य आयकर आयुक्त

OFFICE OF THE CHIEF COMMISSIONER OF INCOME TAX

Jaipur, the 22nd December, 2011

No. 12/2011-12

S.O. 13.—In exercise of the powers conferred by sub-clause (vi) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961) read with rule 2CA of the Income-tax Rules, 1962 the Chief Commissioner of Income-tax, Jaipur hereby approves "Rakesh Academy Shiksha Samiti, Pilani District-Jhunjhunu (PAN-AAAAR2639F)" for the purpose of said section from A.Y. 2011-2012 and onwards.

2. Provided that the society conforms to and complies with the provisions of sub-clause (vi) of clause (23C) of Section 10 of the Income-tax Act, 1961 read with rule 2CA of the Income-tax Rules, 1962.

[No. CCIT/JPR/Addl. CIT (Hqrs.)/10(23C)(vi)/2011-12]
BRIJESH GUPTA, Chief Commissioner of Income-tax

वित्त मंत्रालय

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 27 दिसम्बर, 2011

का. आ. 14.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 3 के उप-खंड (1) और खंड 8 के उप-खंड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतद्द्वारा, आन्ध्रा बैंक के महाप्रबंधक श्री बी. राज कुमार (जन्म तिथि 31-05-1955) को 1-1-2012 को अथवा उसके बाद उनके पदभार ग्रहण करने की तारीख से 31-5-2015 तक अर्थात् उनके अधिवर्षिता की आयु प्राप्त करने की तारीख तक अथवा अगले आदेशों तक, जो भी पहले हो, इंडियन बैंक के कार्यपालक निदेशक के रूप में नियुक्त करती है ।

[फा. सं. 4/5/2010-बीओ-I]
श्रेया गुहा, निदेशक

MINISTRY OF FINANCE

(Department of Financial Services)

New Delhi, the 27th December, 2011

S.O. 14.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3 and sub-clause (1) of clause 8 of The Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri B. Raj Kumar (DoB : 31-5-1955), General Manager, Andhra Bank as Executive Director, Indian Bank, with effect from the date of his taking over charge of the post on or after 1-1-2012 till 31-5-2015, i.e. the date of his superannuation or until further orders, whichever is earlier.

[F. No. 4/5/2010-BO-I]
SREYA GUHA, Director

नई दिल्ली, 27 दिसम्बर, 2011

का. आ. 15.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 3 के उप-खंड (1) और खंड 8 के उप-खंड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतद्द्वारा, इण्डियन ओवरसीज बैंक के महाप्रबंधक श्री एम. एस. राघवन (जन्म तिथि 8-6-1955) को 1-1-2012 को अथवा उसके बाद उनके पदभार ग्रहण करने की तारीख से 30-6-2015 तक अर्थात् उनके अधिवर्षिता की आयु प्राप्त करने की तारीख तक अथवा अगले आदेशों तक, जो भी पहले हो, बैंक ऑफ इंडिया के कार्यपालक निदेशक के रूप में नियुक्त करती है ।

[फा. सं. 4/5/2010-बीओ-I]
श्रेया गुहा, निदेशक

New Delhi, the 27th December, 2011

S.O. 15.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3 and sub-clause (1) of clause 8 of The Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri M. S. Raghavan (DOB : 8-6-1955), General Manager, Indian Overseas Bank as Executive Director, Bank of India, with effect from the date of his taking over charge of the post on or after 1-1-2012 till 30-6-2015, i.e. the date of his superannuation or until further orders, whichever is earlier.

[F. No. 4/5/2010-BO-I]
SREYA GUHA, Director

नई दिल्ली, 27 दिसम्बर, 2011

का. आ. 16.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उप-बंध) स्कीम, 1970/1980 के खंड 3 के उप-खंड (1), खंड 5, खंड 6, खंड 7 और खंड 8 के उप-खंड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतद्द्वारा, श्री एस. एल. बंसल (जन्म तिथि 29-9-1954), जो वर्तमान में युनाइटेड बैंक ऑफ इंडिया के कार्यपालक निदेशक हैं, को 1-3-2012 को अथवा उसके बाद उनके पदभार ग्रहण करने की तारीख से 30-9-2014 तक अर्थात् उनके अधिवर्षिता की आयु प्राप्त करने की तारीख तक अथवा अगले आदेशों तक, जो भी पहले हो, ओरियंटल बैंक ऑफ कामर्स के अध्यक्ष एवं प्रबंध निदेशक के रूप में नियुक्त करती है ।

[फा. सं. 4/4/2010-बीओ-I]
श्रेया गुहा, निदेशक

New Delhi, the 27th December, 2011

S.O. 16.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3, clause 5, clause 6, clause 7 and sub-clause (1) of clause 8 of the Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri S. L. Bansal (DoB : 29-9-1954) presently Executive Director, United Bank of India as Chairman and Managing Director, Oriental Bank of Commerce from the date of his taking over charge of the post on or after 1-3-2012 till 30-9-2014 i.e. the date of his attaining the age of superannuation or until further orders, whichever is earlier.

[F. No. 4/4/2010-BO-I]
SREYA GUHA, Director

नई दिल्ली, 27 दिसम्बर, 2011

का. आ. 17.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उप-बंध) स्कीम, 1970/1980 के खंड 3 के उप-खंड (1), खंड 5, खंड 6, खंड 7 और खंड 8 के उप-खंड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतद्द्वारा, श्री डी. सरकार (जन्म तिथि 3-11-1953), जो वर्तमान में इलाहाबाद बैंक के कार्यपालक निदेशक हैं, को 1-4-2012 को अथवा उसके बाद उनके पदभार ग्रहण करने की तारीख से 30-11-2013 तक अर्थात् उनके अधिवर्षिता की आयु प्राप्त करने की तारीख तक अथवा अगले आदेशों तक, जो भी पहले हो, यूनियन बैंक ऑफ इंडिया के अध्यक्ष एवं प्रबंध निदेशक के रूप में नियुक्त करती है ।

[फा. सं. 4/4/2010-बीओ-I]
श्रेया गुहा, निदेशक

New Delhi, the 27th December, 2011

S.O. 17.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3, clause 5, clause 6, clause 7 and sub-clause (1) of clause 8 of the Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri D. Sarkar (DoB : 3-11-1953) presently Executive Director, Allahabad Bank as Chairman and Managing Director, Union Bank of India from the date of his taking over charge of the post on or after 1-4-2012 till 30-11-2013 i.e. the date of his attaining the age of superannuation or until further orders, whichever is earlier.

[F. No. 4/4/2010-BO-I]
SREYA GUHA, Director

नई दिल्ली, 28 दिसम्बर, 2011

का. आ. 18.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उप-बंध) स्कीम, 1970/1980 के खंड 3 के उप-खंड (1) और खंड 8 के उप-खंड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के

खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतद्द्वारा, केनरा बैंक के महाप्रबंधक श्री के. के. मिश्रा (जन्म तिथि 2-4-1954), को उनके पदभार ग्रहण करने की तारीख से 30-4-2014 तक अर्थात् उनके अधिवर्षिता की आयु प्राप्त करने की तारीख तक अथवा अगले आदेशों तक, जो भी पहले हो, आन्ध्रा बैंक के कार्यपालक निदेशक के रूप में नियुक्त करती है ।

[फा. सं. 4/5/2010-बीओ-I]
विजय मल्होत्रा, अवर सचिव

New Delhi, the 28th December, 2011

S.O. 18.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3 and sub-clause (1) of clause 3 of the Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri K. K. Misra (DoB : 2-4-1954), General Manager, Canara Bank as Executive Director, Andhra Bank, with effect from the date of his taking over charge of the post till 30-4-2014, i.e. the date of his superannuation or until further orders, whichever is earlier.

[F. No. 4/5/2010-BO-I]
VIJAY MALHOTRA, Under Secy.

नई दिल्ली, 28 दिसम्बर, 2011

का. आ. 19.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उप-बंध) स्कीम, 1970/1980 के खंड 3 के उप-खंड (1) और खंड 8 के उप-खंड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतद्द्वारा, बैंक ऑफ बड़ौदा के महाप्रबंधक श्री ए. डी. एम. चावली (जन्म तिथि 9-10-1954), को उनके पदभार ग्रहण करने की तारीख से 31-10-2014 तक अर्थात् उनके अधिवर्षिता की आयु प्राप्त करने की तारीख तक अथवा अगले आदेशों तक, जो भी पहले हो, इण्डियन ओवरसीज बैंक के कार्यपालक निदेशक के रूप में नियुक्त करती है ।

[फा. सं. 4/5/2010-बीओ-I]
विजय मल्होत्रा, अवर सचिव

New Delhi, the 28th December, 2011

S.O. 19.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3 and sub-clause (1) of clause 8 of the Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri A.D.M. Chavali (DoB : 9-10-1954), General Manager, Bank of Baroda as Executive Director, Indian Overseas Bank, with effect from the date of his taking over charge of the post till 31-10-2014, i.e. the date of his superannuation or until further orders, whichever is earlier.

[F. No. 4/5/2010-BO-I]
VIJAY MALHOTRA, Under Secy.

नई दिल्ली, 28 दिसम्बर, 2011

का. आ. 20.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उप-बंध) स्कीम, 1970/1980 के खंड 9 के उप-खंड (1) और (2) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खंड (ङ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्द्वारा, कार्पोरेशन बैंक के सिंगल विंडो आपरेटर-बी, श्री विन्सेंट डिसूजा (जन्म तिथि 16-12-1959) को उनके कार्यभार ग्रहण करने की तारीख से तीन वर्षों की अवधि के लिए और/या अगले आदेशों तक, जो भी पहले हो, कार्पोरेशन बैंक के निदेशक मण्डल में कर्मकार कर्मचारी निदेशक के रूप में नियुक्त करती है ।

[फा. सं. 6/6/2011-बीओ-I]
विजय मल्होत्रा, अवर सचिव

New Delhi, the 28th December, 2011

S.O. 20.—In exercise of the powers conferred by clause (e) of sub-section (3) of Section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) and (2) of clause 9 of the Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government hereby appoints Shri Vincent D'Souza, (DoB : 16-12-1959), Single Window Operator-B, Corporation Bank, as Workmen Employee Director on the Board of Directors of Corporation Bank for a period of three years with effect from the date of taking over the charge of the post and/or until further orders, whichever is earlier

[F. No. 6/6/2011-BO-I]
VIJAY MALHOTRA, Under Secy.

स्वास्थ्य तथा परिवार कल्याण मंत्रालय

(स्वास्थ्य तथा परिवार कल्याण विभाग)

नई दिल्ली, 27 अक्तूबर, 2011

का. आ. 21.—केन्द्र सरकार, दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय दंत चिकित्सा परिषद् से परामर्श करने के बाद, एतद्द्वारा उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित संशोधन करती है, नामत: :–

2. राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, कर्नाटक, बंगलौर द्वारा प्रदान दी गई दंत चिकित्सा डिग्रियों की मान्यता से सम्बंधित है, दंत चिकित्सा अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में राजराजेशवरी डेंटल कॉलेज तथा अस्पताल, बंगलौर, कर्नाटक के बारे में क्रम सं. 49 के XXXV के सामने कॉलम 2 एवं 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियाँ अन्त:स्थापित की जाएंगी, नामत: :–

"ओरल मेडिसिन एंड रेडियोलॉजी (यदि यह दिनांक 17-5-2011 को या उसके बाद प्रदान की गई हो)	एमडीएस (ओरल मेडिसिन) राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर
प्रोस्थोडॉटिक्स एंड क्राउन एंड ब्रिज (यदि यह दिनांक 17-5-2011 को या उसके बाद प्रदान की गई हो)	एमडीएस (प्रोस्थो.) राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर"

[फा. सं. वी-12017/55/2005-डीई (पार्ट-2)]
अनिता त्रिपाठी, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

New Delhi, the 27th October, 2011

S.O. 21.—In exercise of the powers conferred by sub-section (2) of Section 10 the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. In the existing entries of column 2 & 3 against XXXV of Serial No. 49, in respect of Rajarajeswari Dental College and Hospital, Bangalore, Karnataka, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental degrees awarded by Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka, the following entries shall be inserted thereunder :—

"Oral Medicine & Radiology (if granted on or after 17-5-2011)	MDS (Oral Medicine), Rajiv Gandhi University of Health Sciences, Bangalore
Prosthodontics and Crown & Bridge (if granted on or after 17-5-2011)	MDS (Prostho.), Rajiv Gandhi University of Health Sciences, Bangalore"

[F. No. V-12017/55/2005-DE (Pt-2)]
ANITA TRIPATHI, Under Secy.

नई दिल्ली, 27 अक्तूबर, 2011

का. आ. 22.—दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय दंत चिकित्सा परिषद् से परामर्श करके एतद्द्वारा उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित संशोधन करती है, अर्थात् :–

2. डॉ. डी. वाई. पाटील विद्यापीठ, पिम्परी, पुणे, महाराष्ट्र, द्वारा प्रदान की जा रही दंत चिकित्सा डिग्रियों की मान्यता के बारे में दंत चिकित्सा अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में डॉ. डी. वाई. पाटील डेंटल कॉलेज एंड होस्पिटल, पिम्परी, पुणे, महाराष्ट्र के संबंध में क्रम संख्या 91 कॉलम 2 एवं 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां अन्त:स्थापित की जाएंगी, नामत: :–

"बैचलर ऑफ डेंटल सर्जरी (यदि यह दिनांक 14-6-2011 को अथवा उसके पश्चात् प्रदान की गई हो)	बी डी एस, डॉ. डी. वाई. पाटील विद्यापीठ, पिम्परी, पुणे, महाराष्ट्र"

[फा. सं. वी-12018/2/2011-डीई]
अनिता त्रिपाठी, अवर सचिव

New Delhi, the 27th October, 2011

S.O. 22.—In exercise of the powers conferred by sub-section (2) of Section 10 the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. In the existing entries of column 2 & 3 against Serial No. 91, in respect of Dr. D. Y. Patil Dental College & Hospital, Pimpri, Pune, Maharashtra, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental degrees awarded by Dr. D. Y. Patil Vidyapeeth, Pimpri, Pune, Maharashtra, the following entries shall be inserted thereunder :—

"Bachelor of Dental Surgery (if granted on or after 14-6-2011)	BDS, Dr. D. Y. Patil Vidyapeeth, Pimpri, Pune, Maharashtra"

[F. No. V-12018/2/2011-DE]
ANITA TRIPATHI, Under Secy.

नई दिल्ली, 27 अक्तूबर, 2011

का. आ. 23.—केन्द्र सरकार, दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय दंत चिकित्सा परिषद् से परामर्श करने के बाद, एतद्द्वारा उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित संशोधन करती है, नामत: :-

2. दंत चिकित्सा अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम सं. 96 के सामने कॉलम 2 एवं 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां अन्त:स्थापित की जाएंगी, नामत: :–

"97. केरल स्वास्थ्य तथा संबद्ध विज्ञान, त्रिसूर	1. केएमसीटी डेंटल कॉलेज, कोझिकोड, केरल
बैचलर ऑफ डेंटल सर्जरी (यदि यह दिनांक 2-9-2011 को या उसके बाद प्रदान की गई हो)	बीडीएस, केरल स्वास्थ्य विज्ञान, विश्वविद्यालय, त्रिसूर"

[फा. सं. वी-12017/33/2005-डीई (पार्ट)]
अनिता त्रिपाठी, अवर सचिव

New Delhi, the 27th October, 2011

S.O. 23.—In exercise of the powers conferred by sub-section (2) of Section 10 the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely : --

2. In Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) after Serial No. 96, the following Serial number and entries shall be inserted namely :—

"97. Kerala University of Health Sciences, Thrissur	1. KMCT Dental College, Kozhikode, Kerala	
	Bachelor of Dental Surgery (if granted on or after 2-9-2011)	BDS, Kerala University of Health Sciences, Thrissur"

[F. No. V-12017/33/2005-DE (Pt.)]
ANITA TRIPATHI, Under Secy.

नई दिल्ली, 31 अक्तूबर, 2011

का. आ. 24.—केन्द्र सरकार, दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय दंत चिकित्सा परिषद् से परामर्श करने के बाद, एतद्द्वारा उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित संशोधन करती है, नामत: :–

2. राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर कर्नाटक, द्वारा प्रदान की गई दंत चिकित्सक डिग्रियां की मान्यता से सम्बंधित दंत चिकित्सा अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में केएलई सोसाइटीज दंत-चिकित्सा विज्ञान संस्थान, बंगलौर, कर्नाटक के संबंध में क्रम सं. 49 के VI के सामने कॉलम 2 एवं 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां अन्त:स्थापित की जाएंगी, नामत: :–

"प्रोस्थोडोंटिक्स एंड क्राउन एंड ब्रिज (यदि दिनांक 17-5-2011 को या उसके पश्चात् प्रदान की गई हो)	एमडीएस (प्रोस्थो.) राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर"

[फा. सं. वी-12017/52/2004-डीई]
अनिता त्रिपाठी, अवर सचिव

New Delhi, the 31st October, 2011

S.O. 24.—In exercise of the powers conferred by sub-section (2) of Section 10 the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. In the existing entries of Column 2 & 3 against VI of Serial No. 49, in respect of KLE Society's Institute of Dental Sciences, Bangalore, Karnataka, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental degrees awarded by Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka, the following entries shall be inserted thereunder :—

"Prosthodontics and Crown & Bridge (if granted on or after 17-5-2011)	MDS (Prostho.), Rajiv Gandhi University of Health Sciences, Bangalore"

[F. No. V-12017/52/2004-DE]
ANITA TRIPATHI, Under Secy.

नई दिल्ली, 31 अक्तूबर, 2011

का. आ. 25.—केन्द्र सरकार, दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय दंत चिकित्सा परिषद् से परामर्श करने के बाद, एतद्द्वारा उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित संशोधन करती है, नामत: :–

2. राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, कर्नाटक द्वारा प्रदान की गई दंत चिकित्सा डिग्रियों की मान्यता से सम्बंधित दंत चिकित्सा अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में एम.एस. रामैय्या दंत-चिकित्सा कॉलेज तथा अस्पताल, बंगलौर, कर्नाटक के संबंध

में क्रम सं. 49 के XXIV के सामने कॉलम 2 एवं 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां अन्त:स्थापित की जाएंगी, नामत: :-

"(VI) ओरल पैथोलॉजी और सूक्ष्मजैव विज्ञान (यदि दिनांक 19-5-2011 को या उसके पश्चात् प्रदान की गई हो)	एमडीएस (ओरल पैथ) राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर"

[फा. सं. वी-12017/23/2005-डीई]
अनिता त्रिपाठी, अवर सचिव

New Delhi, the 31st October, 2011

S.O. 25.—In exercise of the powers conferred by sub-section (2) of Section 10 the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. In the existing entries of column 2 & 3 against XXIV of Serial No. 49, in respect of M.S. Ramaiah Dental College and Hospital, Bangalore, Karnataka, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental degrees awarded by Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka, the following entries shall be inserted thereunder :—

"(VI) Oral Pathology & Microbiology (if granted on or after 19-5-2011)	MDS (Oral Path.), Rajiv Gandhi University of Health Sciences, Bangalore"

[F. No. V-12017/23/2005-DE]
ANITA TRIPATHI, Under Secy.

नई दिल्ली, 31 अक्तूबर, 2011

का. आ. 26.—दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय दंत चिकित्सा परिषद् से परामर्श करके एतद्द्वारा उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित संशोधन करती है, अर्थात् :

2. दंत चिकित्सा अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 99 के बाद निम्नलिखित क्रम संख्या तथा प्रविष्टियाँ अन्त:स्थापित की जाएंगी, नामत: :-

"100 येनीपोया विश्वविद्यालय, मंगलौर"	येनीपोया डेंटल कॉलेज, मंगलौर, कर्नाटक	
	मास्टर ऑफ डेंटल सर्जरी	
	ओरल पैथोलोजी एंड माइक्रोबायोलोजी (यदि दिनांक 18-5-2011 को अथवा उसके पश्चात् प्रदान की गई हो)	एम डी एस (ओरल पैथ.) येनीपोया विश्वविद्यालय, मंगलौर
	पिरियोडॉन्टोलोजी (यदि दिनांक 18-5-2011 को अथवा उसके पश्चात् प्रदान की गई हो)	एम डी एस (पिरियो.) येनीपोया विश्वविद्यालय, मंगलौर
	प्रोस्थोडोंटिक्स तथा क्राउन एंड ब्रीज (यदि दिनांक 17-5-2011 को अथवा उसके पश्चात् प्रदान की गई हो)	एम डी एस (प्रोस्थो.) येनीपोया विश्वविद्यालय, मंगलौर
	पेडोडोन्टिक्स एंड प्रीवेन्टीव डेन्टीस्ट्री (यदि दिनांक 17-5-2011 को अथवा उसके पश्चात् प्रदान की गई हो)	एम डी एस (पेडो.) येनीपोया विश्वविद्यालय, मंगलौर
	कन्जरवेटिव डेन्टिस्ट्री एंड एंडोडोन्टिक्स (यदि दिनांक 17-5-2011 को अथवा उसके पश्चात् प्रदान की गई हो)	एम डी एस (कन्ज. डेन्ट) येनीपोया विश्वविद्यालय, मंगलौर

ओरल एंड मेक्सीलोफेसियल सर्जरी (यदि दिनांक 18-5-2011 को अथवा उसके पश्चात् प्रदान की गई हो)	एम डी एस (ओरल सर्जरी) येनीपोया विश्वविद्यालय, मंगलौर
ओरल मेडिसिन एंड रेडियोलोजी (यदि दिनांक 17-5-2011 को अथवा उसके पश्चात् प्रदान की गई हो)	एम डी एस (ओरल मेडिसिन) येनीपोया विश्वविद्यालय, मंगलौर
ओर्थोडोन्टिक्स एंड डेन्टोफेसियल आर्थोपेडिक्स (यदि दिनांक 17-5-2011 को अथवा उसके पश्चात् प्रदान की गई हो)	एम डी एस (ओर्थो.) येनीपोया विश्वविद्यालय, मंगलौर
पब्लिक हेल्थ डेन्टिस्ट्री (यदि दिनांक 18-5-2011 को अथवा उसके पश्चात् प्रदान की गई हो)	एम डी एस (पब्लिक हेल्थ डेन्ट.) येनीपोया विश्वविद्यालय, मंगलौर

[फा. सं. वी-12017/7/2009-डीई]
अनिता त्रिपाठी, अवर सचिव

New Delhi, the 31st October, 2011

S.O. 26.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. In Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) after Serial No. 99, the following Serial number and entries shall be inserted namely :—

"100. Yenepoya University, Mangalore	Yenepoya Dental College, Mangalore, Karnataka	
	Master of Dental Surgery	
	Oral Pathology & Microbiology (if granted on or after 18-5-2011)	MDS (Oral Path.), Yenepoya University, Mangalore
	Periodontology (if granted on or after 18-5-2011)	MDS (Perio.), Yenepoya University, Mangalore
	Prosthodontics and Crown & Bridge (if granted on or after 17-5-2011)	MDS (Protho.), Yenepoya University, Mangalore
	Paedodontics and Preventive Dentistry (if granted on or after 17-5-2011)	MDS (Paedo.), Yenepoya University, Mangalore
	Conservative Dentistry & Endodontics (if granted on or after 17-5-2011)	MDS (Cons. Dent.), Yenepoya University, Mangalore
	Oral & Maxillofacial Surgery (if granted on or after 18-5-2011)	MDS (Oral Surgery), Yenepoya University, Mangalore
	Oral Medicine & Radiology (if granted on or after 17-5-2011)	MDS (Oral Medicine), Yenepoya University, Mangalore
	Orthodontics & Dentofacial Orthopedics (if granted on or after 17-5-2011)	MDS (Ortho.), Yenepoya University, Mangalore
	Public Health Dentistry (if granted on or after 18-5-2011)	MDS (Public Health Dent.), Yenepoya University, Mangalore"

[F. No. V-12017/7/2009-DE]
ANITA TRIPATHI, Under Secy.

नई दिल्ली, 31 अक्तूबर, 2011

का. आ. 27.—केन्द्र सरकार, दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय दंत चिकित्सा परिषद् से परामर्श करने के बाद, एतद्द्वारा उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित संशोधन करती है, नामत: :–

2. राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर कर्नाटक, द्वारा प्रदान की गई दंत चिकित्सा डिग्रियों की मान्यता से सम्बंधित दंत चिकित्सा अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में कूर्ग दंत चिकित्सा विज्ञान, विराजपेट, कूर्ग, कर्नाटक के संबंध में क्रम सं. 49 के XXXII के सामने कॉलम 2 एवं 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां अन्त:स्थापित की जाएंगी, नामत: :–

"मास्टर ऑफ डेंटल सर्जरी	
जन स्वास्थ्य डेंटिस्ट्री (यदि दिनांक 26-5-2011 को या उसके पश्चात् प्रदान की गई हो)	एमडीएस (जन स्वास्थ्य डेंट), राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर"

[फा. सं. वी-12017/44/2005-डीई (पार्ट)]
अनिता त्रिपाठी, अवर सचिव

New Delhi, the 31st October, 2011

S.O. 27.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. In the existing entries of column 2 & 3 against XXXII of Serial No. 49, in respect of Coorg Institute of Dental Sciences, Virajpet, Coorg, Karnataka, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental degrees awarded by Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka, the following entries shall be inserted thereunder :—

"Master of Dental Surgery	
Public Health Dentistry (if granted on or after 26-5-2011)	MDS (Public Health Dent.), Rajiv Gandhi University of Health Sciences, Bangalore"

[F. No. V-12017/44/2005-DF (Pt.)]
ANITA TRIPATHI, Under Secy.

नई दिल्ली, 9 नवम्बर, 2011

का. आ. 28.—दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय दंत चिकित्सा परिषद् से परामर्श करके एतद्द्वारा उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित संशोधन करती है, अर्थात् :–

2. बरकतउल्लाह विश्वविद्यालय, भोपाल द्वारा प्रदान की जा रही दंत चिकित्सा डिग्रियों की मान्यता के बारे में दंत चिकित्सा अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 69 कॉलम 2 एवं 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियाँ अन्त:स्थापित की जाएंगी, नामत: :–

"गीपल्स कॉलेज ऑफ डेंटल साइंसेज एंड रिसर्च सेंटर, भोपाल	
मास्टर ऑफ डेंटल सर्जरी	
पब्लिक हेल्थ डेंटिस्टरी (यदि दिनांक 13-5-2011 को अथवा उसके पश्चात् प्रदान की गई हो)	एम डी एस (पब्लिक हेल्थ डेंटिस्टरी) बरकतउल्लाह विश्वविद्यालय, भोपाल
कन्सरवेटिव डेंटिस्ट्री एंड एंडोडोन्टिक्स (यदि दिनांक 14-5-2011 को अथवा उसके पश्चात् प्रदान की गई हो)	एम डी एस (कन्सरवेटिव डेंटिस्ट्री एंड एंडोडोन्टिक्स), बरकतउल्लाह विश्वविद्यालय, भोपाल
ओर्थोडोंटिक्स एंड डेन्टोफेसियल आर्थोपेडिक्स (यदि दिनांक 14-5-2011 को अथवा उसके पश्चात् प्रदान की गई हो)	एम डी एस (ओर्थोडोंटिक्स एंड डेन्टोफेसियल आर्थोपेडिक्स), बरकतउल्लाह विश्वविद्यालय, भोपाल

ओरल एंड मेक्सीलोफेसियल सर्जरी (यदि दिनांक 14-5-2011 को अथवा उसके पश्चात् प्रदान की गई हो)	एम डी एस (ओरल एंड मेक्सीलोफेसियल सर्जरी), बरकतउल्लाह विश्वविद्यालय, भोपाल
पिरयोडॉन्टोलोजी (यदि दिनांक 12-5-2011 को अथवा उसके पश्चात् प्रदान की गई हो)	एम डी एस (पिरयोडॉन्टोलोजी), बरकतउल्लाह विश्वविद्यालय, भोपाल
ओरल मेडिसिन एंड रेडियोलोजी (यदि दिनांक 13-5-2011 को अथवा उसके पश्चात् प्रदान की गई हो)	एम डी एस (ओरल मेडिसिन एंड रेडियोलोजी), बरकतउल्लाह विश्वविद्यालय, भोपाल
प्रोस्थोडॉटिक्स तथा क्राउन एंड ब्रीज (यदि दिनांक 13-5-2011 को अथवा उसके पश्चात् प्रदान की गई हो)	एम डी एस (प्रोस्थोडॉटिक्स तथा क्राउन एंड ब्रीज), बरकतउल्लाह विश्वविद्यालय, भोपाल"

[फा. सं. वी-12017/3/2007-डीई]
अनिता त्रिपाठी, अवर सचिव

New Delhi, the 9th November, 2011

S.O. 28.—In exercise of the powers conferred by sub-section (2) of Section 10 the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. In the existing entries of columns 2 & 3 against Serial No. 69 in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental degrees awarded by Barkathullah Vishvavidyalaya, Bhopal, the following entries shall be inserted thereunder :—

"People's College of Dental Sciences and Research Centre, Bhopal	
Master of Dental Surgery	
Public Health Dentistry (if granted on or after 13-5-2011)	MDS (Public Health Dentistry), Barkathullah Vishvavidyalaya, Bhopal
Conservative Dentistry and Endodontics (if granted on or after 14-5-2011)	MDS (Cons. Dentistry and Endodontics), Barkathullah Vishvavidyalaya, Bhopal
Orthodontics & Dentofacial Orthopedics (if granted on or after 14-5-2011)	MDS (Ortho. & Dentofacial Orthopedics), Barkathullah Vishvavidyalaya, Bhopal
Oral & Maxillofacial Surgery (if granted on or after 14-5-2011)	MDS (Oral & Maxillofacial Surgery), Barkathullah Vishvavidyalaya, Bhopal
Periodontology (if granted on or after 12-5-2011)	MDS (Periodontology), Barkathullah Vishvavidyalaya, Bhopal
Oral Medicine & Radiology (if granted on or after 13-5-2011)	MDS (Oral Medicine & Radiology), Barkathullah Vishvavidyalaya, Bhopal
Prosthodontics and Crown & Bridge (if granted on or after 13-5-2011)	MDS (Prosthodontics and Crown & Bridge), Barkathullah Vishvavidyalaya, Bhopal"

[F. No. V-12017/3/2007-DE]
ANITA TRIPATHI, Under Secy.

शुद्धि-पत्र

नई दिल्ली, 28 नवम्बर, 2011

का. आ. 29.—इस विभाग के दिनांक 22-2-2008 की अधिसूचना संख्या यू-12012/3/2008-एमई (पी-II) के क्रम में और भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्र सरकार भारतीय आयुर्विज्ञान परिषद् से परामर्श करने के बाद एतद्द्वारा उक्त अधिनियम की प्रथम अनुसूची में निम्नलिखित और संशोधन करती है, अर्थात् :–

उक्त अनुसूची में :–

" 'दीनदयाल उपाध्याय गोरखपुर विश्वविद्यालय/गोरखपुर विश्वविद्यालय, गोरखपुर, उत्तर प्रदेश' के समक्ष शीर्षक 'पंजीकरण के लिए संक्षेपण' (कॉलम 3) के अंतर्गत एमएस (सामान्य शल्य चिकित्सा) अर्हता एक मान्यता प्राप्त चिकित्सा अर्हता होगी जब यह बी.आर.डी. मेडिकल कॉलेज, गोरखपुर, उत्तर प्रदेश में प्रशिक्षित किए जा रहे छात्रों के संबंध में दीनदयाल उपाध्याय गोरखपुर विश्वविद्यालय/गोरखपुर विश्वविद्यालय, गोरखपुर, उत्तर प्रदेश द्वारा 1983 के बजाय 1982 में अथवा उसके बाद प्रदान की गई हो" ।

[सं. यू-12012/3/2008-एमई (पी-II)]
अनिता त्रिपाठी, अवर सचिव

CORRIGENDUM

New Delhi, the 28th November 2011

S.O. 29.—In continuation to this Department's Notification No. U-12012/3/2008-ME (P-II) dated 22-2-2008, and in exercise of the powers conferred by sub-section (2) of the Section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely :—

2. In the said Schedule :—

"against 'Deen Dayal Upadhyaya Gorakhpur University/Gorakhpur University, Gorakhpur, Uttar Pradesh', under the heading 'Abbreviation for Registration' (column 3), the MS (General Surgery) qualification shall be a recognised medical qualification when granted by Deen Dayal Upadhyaya Gorakhpur University/Gorakhpur University, Gorakhpur, Uttar Pradesh in respect of students being trained at B.R.D. Medical College, Gorakhpur, Uttar Pradesh on or after 1982 instead of 1983".

[No. U-12012/3/2008-ME (P-II)]
ANITA TRIPATHI, Under Secy.

शुद्धि-पत्र

नई दिल्ली, 5 दिसम्बर, 2011

का. आ. 30.—इस विभाग के दिनांक 15-10-2008 की अधिसूचना संख्या यू-12012/379/2006-एमई (पी-II) के क्रम में और भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्र सरकार ने भारतीय आयुर्विज्ञान परिषद् से परामर्श करने के बाद एतद्द्वारा दिनांक 15-10-2008 की उपरोक्त अधिसूचना का वापस लेने और शैक्षणिक वर्ष 2008-09 से कस्तूरबा मेडिकल कॉलेज, मनीपाल एवं कस्तूरबा मेडिकल कॉलेज, मंगलौर में 250 एमबीबीएस छात्रों की प्रवेश क्षमता को बहाल करने का निर्णय लिया है ।

[सं. यू-12012/379/2006-एमई(पी-II)]
सूबे सिंह, उप-सचिव

CORRIGENDUM

New Delhi, the 5th December, 2011

S.O. 30.—In continuation to this Department's Notification No. U-12012/379/2006-ME (P-II) dated 15-10-2008, and in exercise of the powers conferred by sub-section (2) of the Section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby decided to withdraw the above Notification dated 15-10-2008 and restore the intake capacity to 250 MBBS students at Kasturba Medical College, Manipal & Kasturba Medical College, Mangalore from the academic year 2008-09.

[No. U-12012/379/2006-ME (P-II)]
SUBE SINGH, Dy. Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

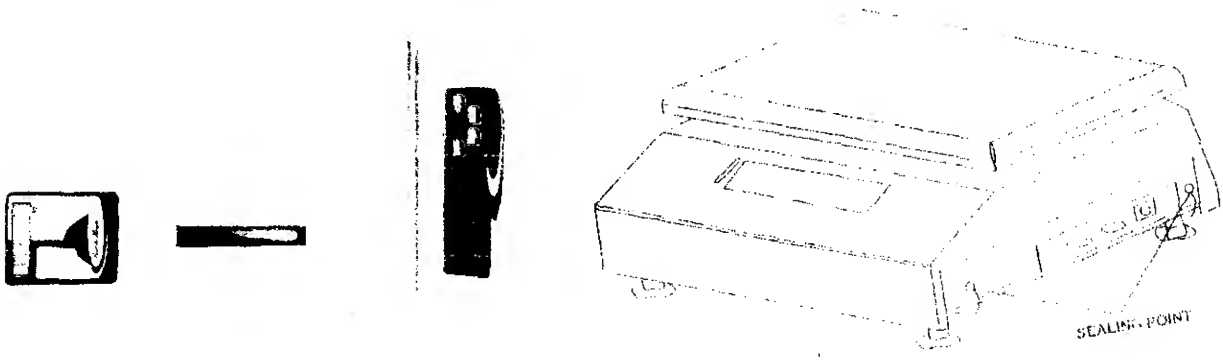
(उपभोक्ता मामले विभाग)

नई दिल्ली, 22 सितम्बर, 2011

का. आ. 31.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, विधिक माप विज्ञान (माडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स श्री शक्ति स्केल्स, 11, मरुथाकोनार स्ट्रीट, वेलंदीपलयम, कोयम्बतूर-641025 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एसएसएसईटी" श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप टाइप) के मॉडल का, जिसके ब्रांड का नाम "ईएमईआरएएलडी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/229 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप टाइप) है । इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है । सत्यापन मापमान अंतराल (ई) 5 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है । प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम ।

डिस्प्ले की बाडी में से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है । सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है । मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है ।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है । बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है ।

और केन्द्रीय सरकार विधिक माप विज्ञान (माडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिज़ाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1\times10^{*}$, $2\times10^{*}$, $5\times10^{*}$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(135)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

New Delhi, the 22nd September, 2011

S.O. 31.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes and certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of Medium Accuracy (Accuracy class-III) of series "SSSET" and with brand name "EMERALD" (hereinafter referred to as the said model), manufactured by M/s Shri Shakthi Scales, 11, Maruthakonar Street, Valendipalayam, Coimbatore-641025 and which is assigned the approval mark IND/09/11/229;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top Type) with a maximum capacity of 30 kg and minimum capacity of 100 g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

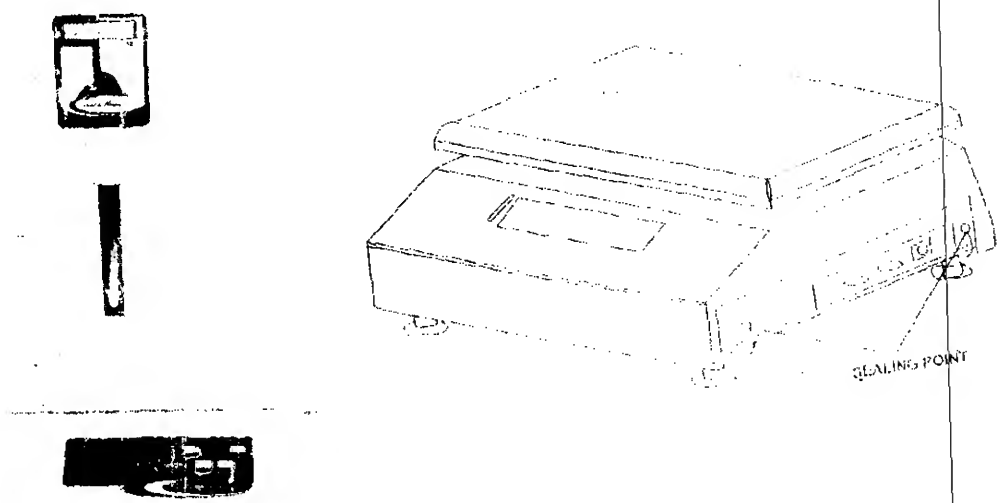


Figure-2 : Schematic diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by hole in base plate & top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-rule (9) of Rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg to 2g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(135)/2011]

B. N. DIXIT, Director of Legal Metrology

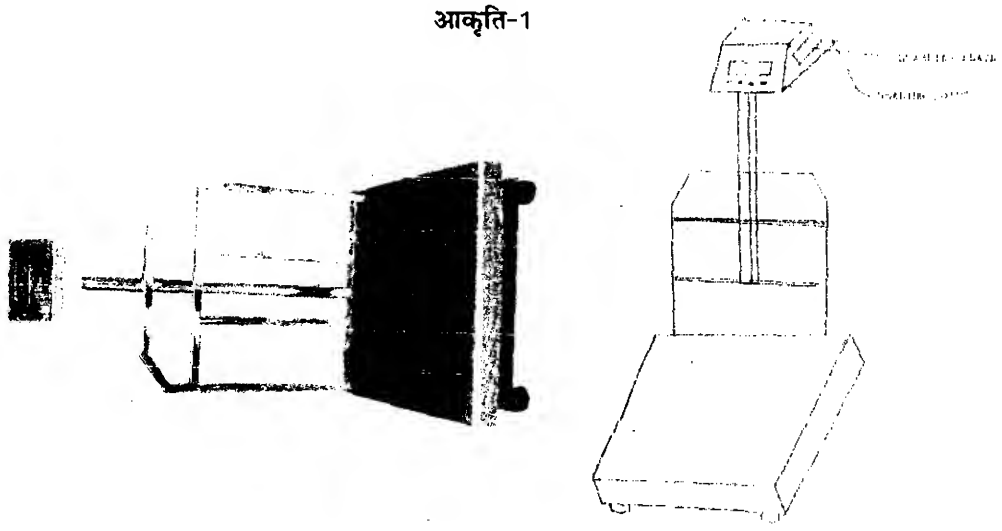
नई दिल्ली, 22 सितम्बर, 2011

का. आ. 32.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स श्री शक्ति स्केल्स, 11, मरुथाकोनार स्ट्रीट, वेलांदीपलयम, कोयम्बतूर-641 025 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एसएसएसईपी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम "ईएमईआरएएलडी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/230 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है । इसकी अधिकतम क्षमता 1000 कि.ग्रा. है और न्यूनतम क्षमता 4 कि. ग्रा. है । सत्यापन मापमान अंतराल (ई) 200 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है । प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।

आकृति-1



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम ।

डिस्प्ले की बॉडी में से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है । सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है ।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है । बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है ।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिज़ाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1\times10^{*}$, $2\times10^{*}$, $5\times10^{*}$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(135)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd September, 2011

S.O. 32.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes and certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of Medium Accuracy (Accuracy class-III) of series "SSSEP" and with brand name "EMERALD" (hereinafter referred to as the said model), manufactured by M/s Shri Shakthi Scales, 11, Maruthakonar Street, Valendipalayam, Coimbatore-641025 and which is assigned the approval mark IND/09/11/230;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform Type) with a maximum capacity of 1000 kg and minimum capacity of 4 kg. The verification scale interval (e) is 200g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

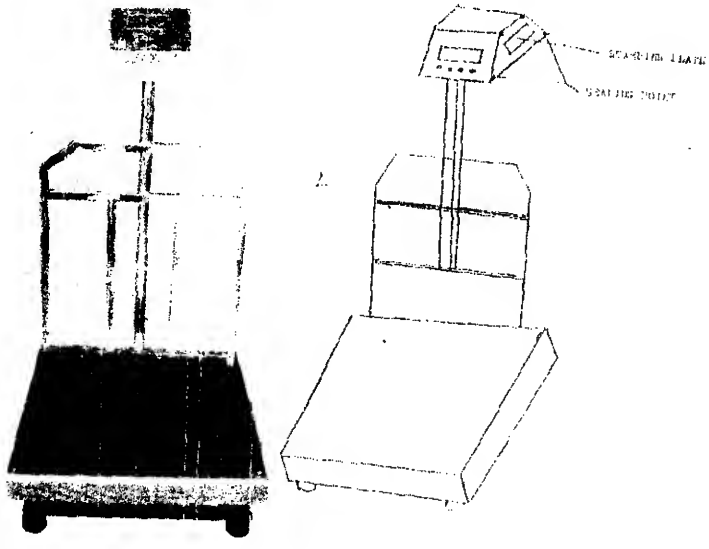


Figure-2 : Schematic diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by hole in base plate & top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg and upto 5000 kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(135)/2011]

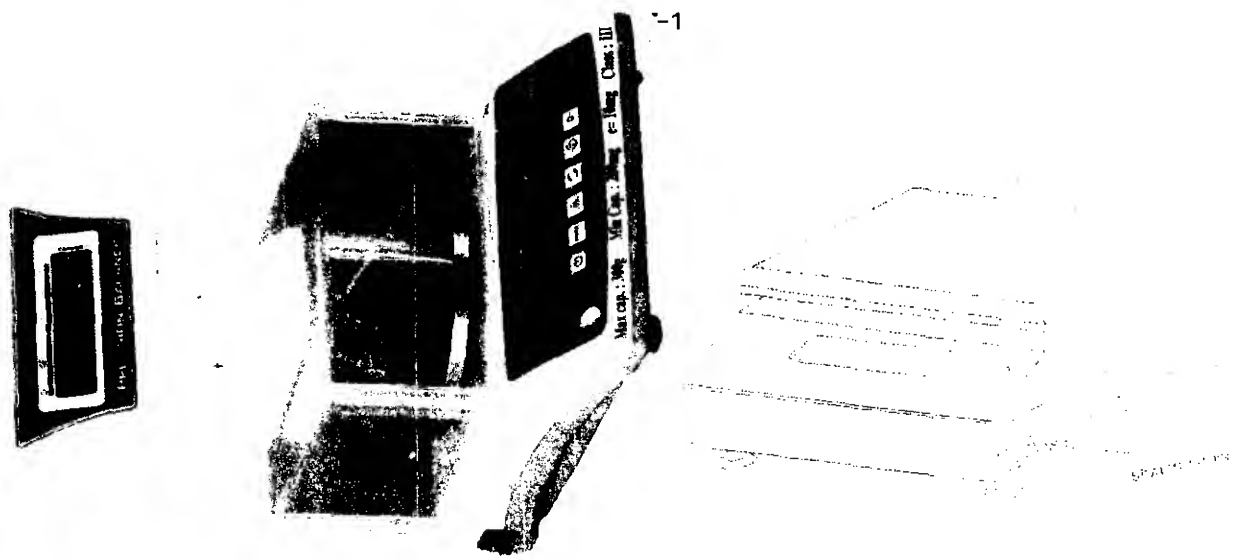
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 22 सितम्बर, 2011

का. आ. 33.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स आभा टैक्नोलोजी, नं. 30-ए/1, पी टी राजन सलाय, के के नगर, चेन्नई-600078, तमिलनाडु द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "प्लेटिनम" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप टाइप) के मॉडल का, जिसके ब्रांड का नाम "प्रीमियर" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/290 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप टाइप) है । इसकी अधिकतम क्षमता 320 ग्रा. है और न्यूनतम क्षमता 200 मि. ग्रा. है । सत्यापन मापमान अंतराल (ई) 10 मि. ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है । प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम ।

डिस्प्ले की बॉडी में से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है । सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है ।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है । बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है ।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिज़ाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे 1 मि. ग्रा. से 50 मि.ग्रा. तक के "ई" मान के लिए 100 से 100,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 100,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1\times10^{*}$, $2\times10^{*}$, $5\times10^{*}$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(123)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd September, 2011

S.O. 33.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table Top Type) with digital indication of High Accuracy (Accuracy class-II) of series "PLATINUM" and with brand name "PREMIER" (hereinafter referred to as the said model), manufactured by M/s Abha Technologies, No. 31-A/1, P.T. Rajan Salai, K.K. Nagar, Chennai-600078, Tamil Nadu and which is assigned the approval mark IND/09/11/290;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top Type) with a maximum capacity of 320 g and minimum capacity of 200 mg. The verification scale interval (e) is 10mg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

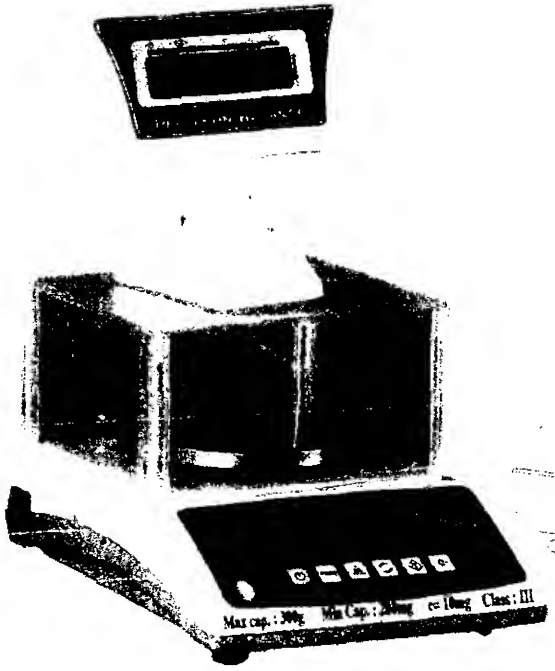


Figure-2 : Schematic diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by hole in base plate & top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/Mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg with verification scale interval (n) in the range of 100 to 100,000 for 'e' value of 1 mg to 50 mg and with verification scale interval (n) in the range of 5000 to 100,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(123)/2011]

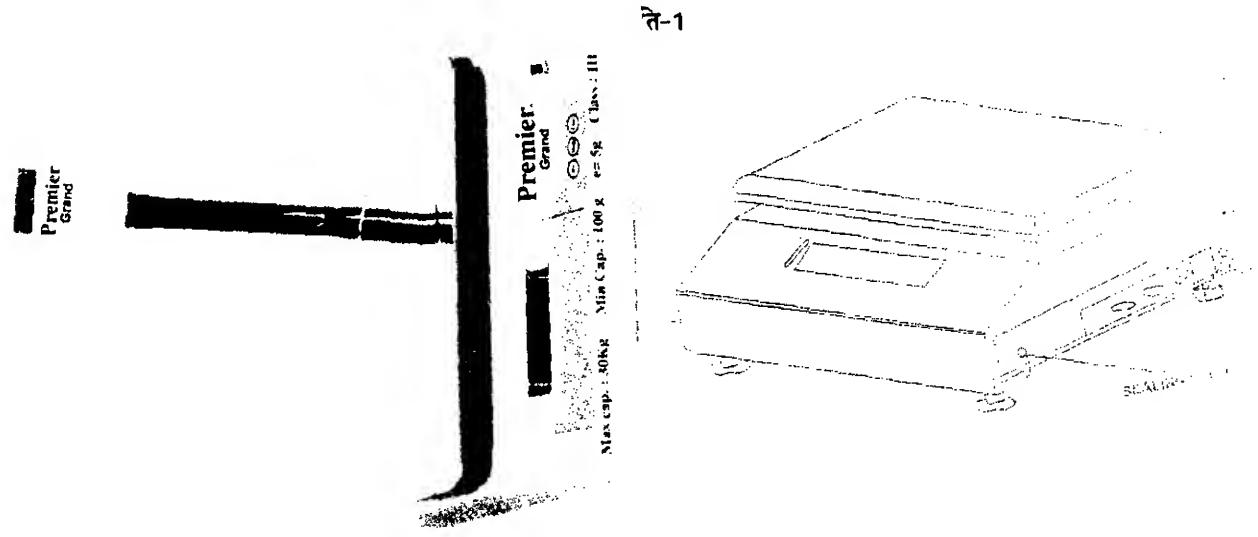
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 22 सितम्बर, 2011

का. आ. 34.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स आभा टैक्नोलोजी, नं. 30-ए/1, पी टी राजन सलाय, के. के. नगर, चेन्नई-600078, तमिलनाडु द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "ग्रांड" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप टाइप) के मॉडल का, जिसके ब्रांड का नाम "प्रीमियर" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/291 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है:

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप टाइप) है । इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है । सत्यापन मापमान अंतराल (ई) 5 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है । प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम ।

डिस्प्ले की बाडी में से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है । सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है । मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है ।

उपकरण में बाहरी केलिब्रेशन तक पहुच की सुविधा है । बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है ।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिज़ाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या इससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k}, 5×10^{k}, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(123)/2011]
बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd September, 2011

S.O. 34.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table Top type) with digital indication of Medium Accuracy (Accuracy class-III) of series "GRAND" and with brand name "PREMIER" (hereinafter referred to as the said model), manufactured by M/s Abha Technologies, No. 31-A/1, P.T. Rajan Salai, K.K. Nagar, Chennai-600078, Tamil Nadu and which is assigned the approval mark IND/09/11/291;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top Type) with a maximum capacity of 30 kg and minimum capacity of 100 g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

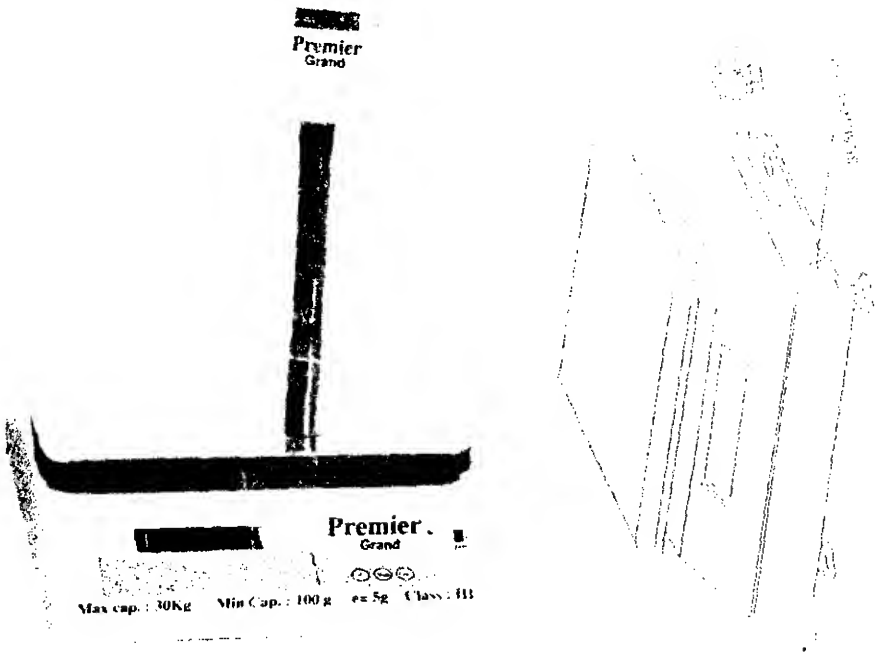


Figure-2 : Schematic diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by hole in base plate & top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg to 2 g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(123)/2011]

B. N. DIXIT, Director of Legal Metrology

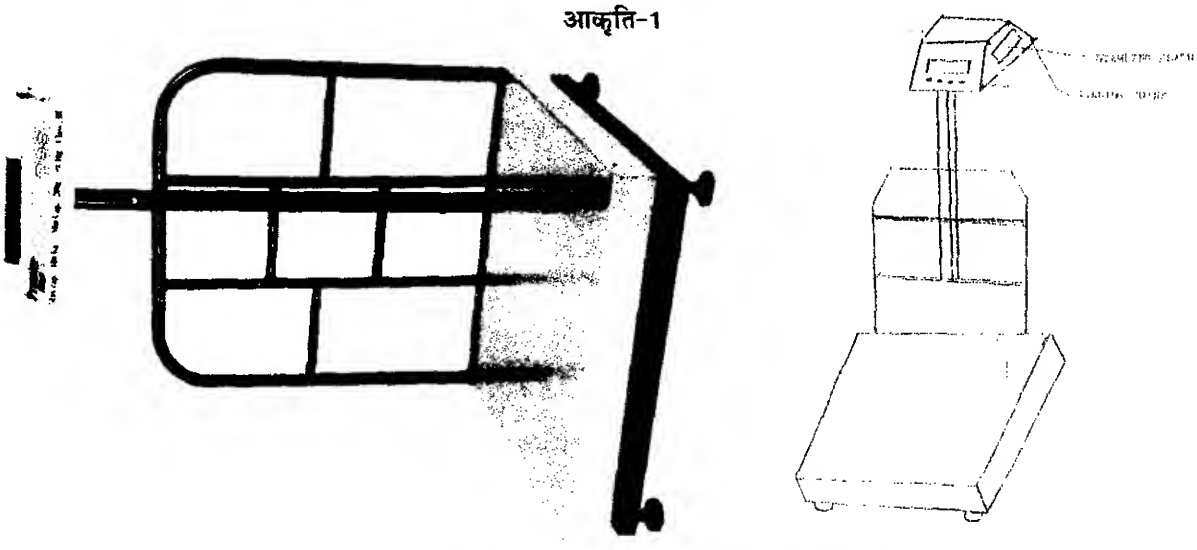
नई दिल्ली, 22 सितम्बर, 2011

का. आ. 35.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स आभा टैक्नोलोजी, नं. 30-ए/1, पी टी राजन सलाय, के के नगर, चेन्नई-600078, तमिलनाडु द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एमईजीए" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम "प्रीमियर" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/292 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है । इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 4 कि. ग्रा. है । सत्यापन मापमान अंतराल (ई) 200 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है । प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।

आकृति-1



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम ।

डिस्प्ले की बाडी में से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है । सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है ।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है । बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है ।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिज़ाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. से 5000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1\times10^{*}$, $2\times10^{*}$, $5\times10^{*}$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(123)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd September, 2011

S.O. 35.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes and certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (Accuracy class-III) of series "MEGA" and with brand name "PREMIER" (hereinafter referred to as the said model), manufactured by M/s Abha Technologies, No. 31-A/1, P.T. Rajan Salai, K.K. Nagar, Chennai-600078, Tamil Nadu and which is assigned the approval mark IND/09/11/292;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform Type) with a maximum capacity of 1000 kg and minimum capacity of 4 kg. The verification scale interval (e) is 200 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

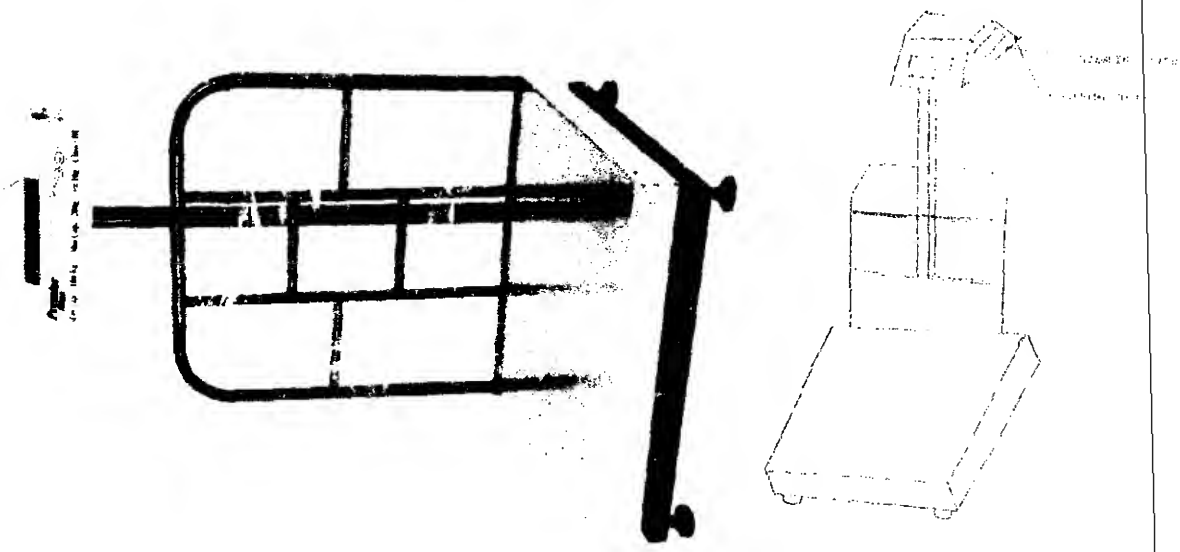


Figure-2 : Schematic diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by hole in base plate & top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg and up to 5000 kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(123)/2011]

B. N. DIXIT, Director of Legal Metrology

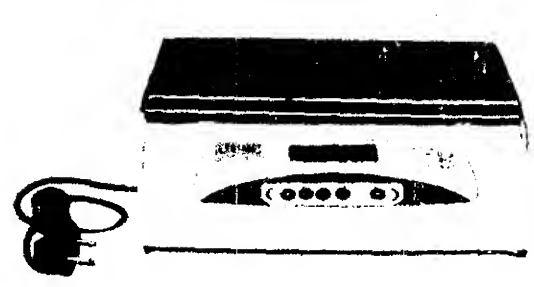
नई दिल्ली, 22 सितम्बर, 2011

का. आ. 36.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स पापुलर स्केल कं., 210, जंजीकर स्ट्रीट, मुंबई-400003 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "पीएससी टीटी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) के मॉडल का, जिसके ब्रांड का नाम "एवरेडी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/311 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) है । इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है । सत्यापन मापमान अंतराल (ई) 5 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है : प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।

आकृति-1



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम ।

डिस्प्ले की बॉडी में से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है । सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकालकर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है ।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है । बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है ।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिज़ाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1\times10^{*}$, $2\times10^{*}$, $5\times10^{*}$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(146)/2011]

जी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd September, 2011

S.O. 36.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table Top type) with digital indication of medium Accuracy (Accuracy class-III) of series "PSC TT" and with brand name "EVEREADY" (hereinafter referred to as the said model), manufactured by M/s Popular Scale Co., 210, Janjikar Street, Mumbai-400003 and which is assigned the approval mark IND/09/11/311;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top Type) with a maximum capacity of 30 kg and minimum capacity of 100 g. The verification scale interval (e) is 5 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

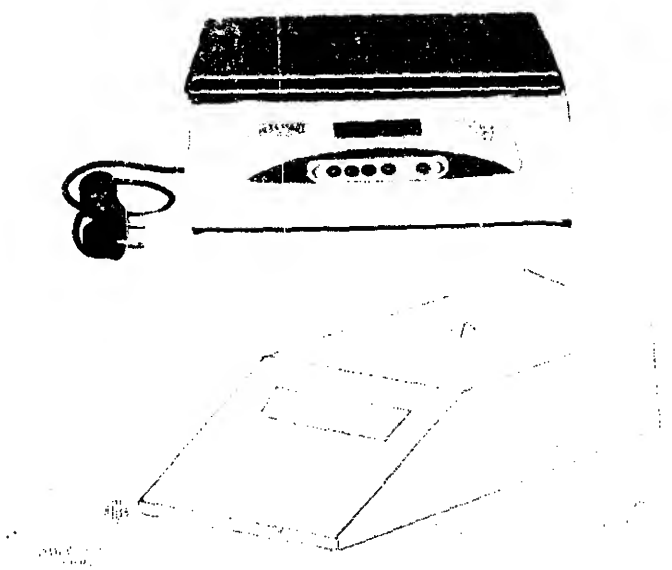


Figure-2 : Schematic diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by hole in base plate & top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/Mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg to 2 g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(146)/2011]

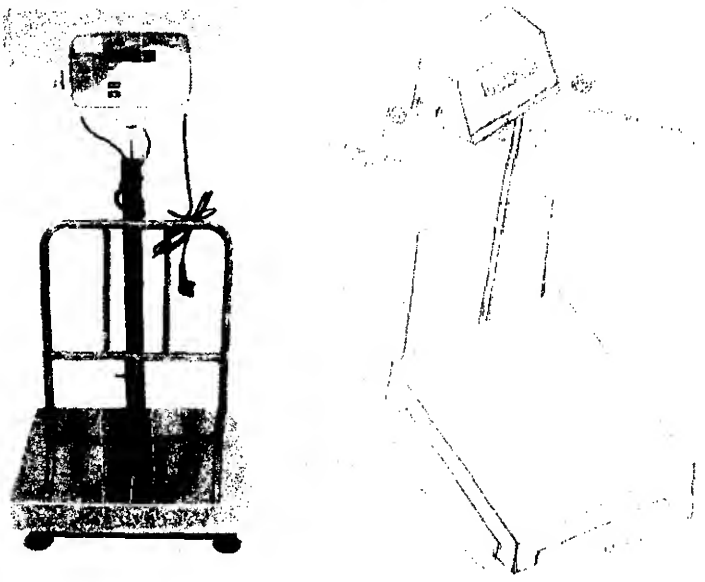
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 22 सितम्बर, 2011

का. आ. 37.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स पापुलर स्केल कं., 210, जंजीकर स्ट्रीट, मुंबई-400003 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "पीएससी पीटी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम "एवरेडी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/312 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है । इसकी अधिकतम क्षमता 200 कि.ग्रा. और न्यूनतम क्षमता 400 ग्रा. है । सत्यापन मापमान अंतराल (ई) 20 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है । प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम ।

डिस्प्ले की बॉडी में से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है । सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है । मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है ।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है । बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है ।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियो का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिज़ाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1\times10^{*}$, $2\times10^{*}$, $5\times10^{*}$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(146)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd September, 2011

S.O. 37.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (accuracy class-III) of series "PSC PT" and with brand name "EVEREADY" (hereinafter referred to as the said model), manufactured by M/s Popular Scale Co., 210, Janjikar Street, Mumbai-400003 and which is assigned the approval mark IND/09/11/312;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform Type) with a maximum capacity of 200 kg. and minimum capacity of 400g. The verification scale interval (e) is 20g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

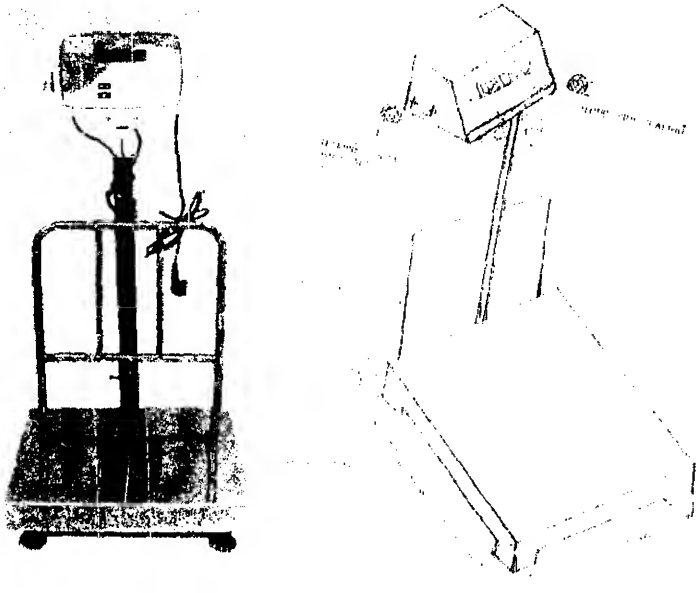


Figure-2 : Schematic diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by hole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity from 50 kg. and upto 5000 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(146)/2011]
B. N. DIXIT, Director of Legal Metrology

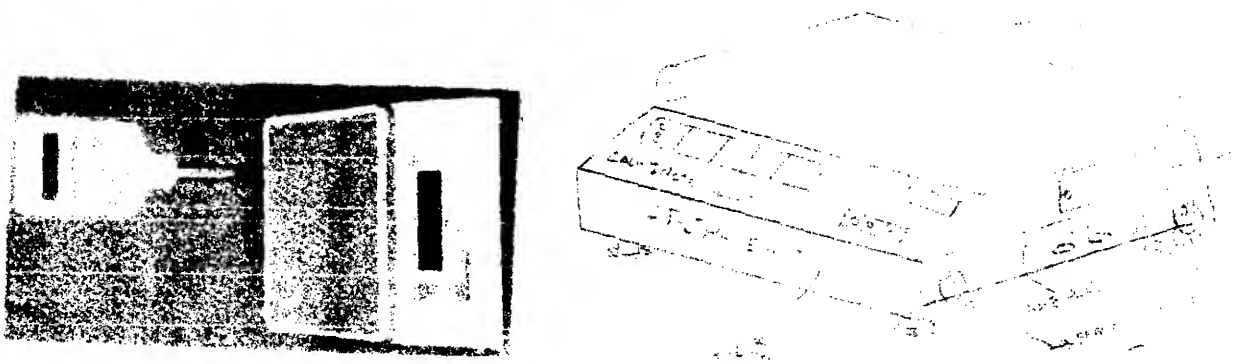
नई दिल्ली, 22 सितम्बर, 2011

का. आ. 38.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स काल-टैक इंस्ट्रूमेंट्स, नं. 13/366, मो. रहमदुल्लाह स्ट्रीट, कडपा, आंध्र प्रदेश द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "सीटी-जेपी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) के मॉडल का, जिसके ब्रांड का नाम "काल-टैक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/265 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) है । इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है । सत्यापन मापमान अंतराल (ई) 2 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है । प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।

आकृति-1



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम ।

डिस्प्ले की बाडी में से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है । सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है । मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है ।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है । बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है ।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के "ई" मान के लिए 100 से 1,00,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5,000 से 1,00,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1\times10^{*}$, $2\times10^{*}$, $5\times10^{*}$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(155)/2011]
बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd September, 2011

S.O. 38.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of high accuracy (accuracy class-II) of series "CT-JP" and with brand name "CAL-TECH" (hereinafter referred to as the said model), manufactured by M/s Cal-Tech Instruments, No. 13/366, Md. Rahamathullah Street, Kadapa, Andhra Pradesh and which is assigned the approval mark IND/09/11/265;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg and minimum capacity of 100 g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

Figure-2 : Schematic diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by hole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg with verification scale interval (n) in the range of 100 to 1,00,000 for 'e' value of 1 mg to 50mg and with verification scale interval (n) in the range of 5,000 to 1,00,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

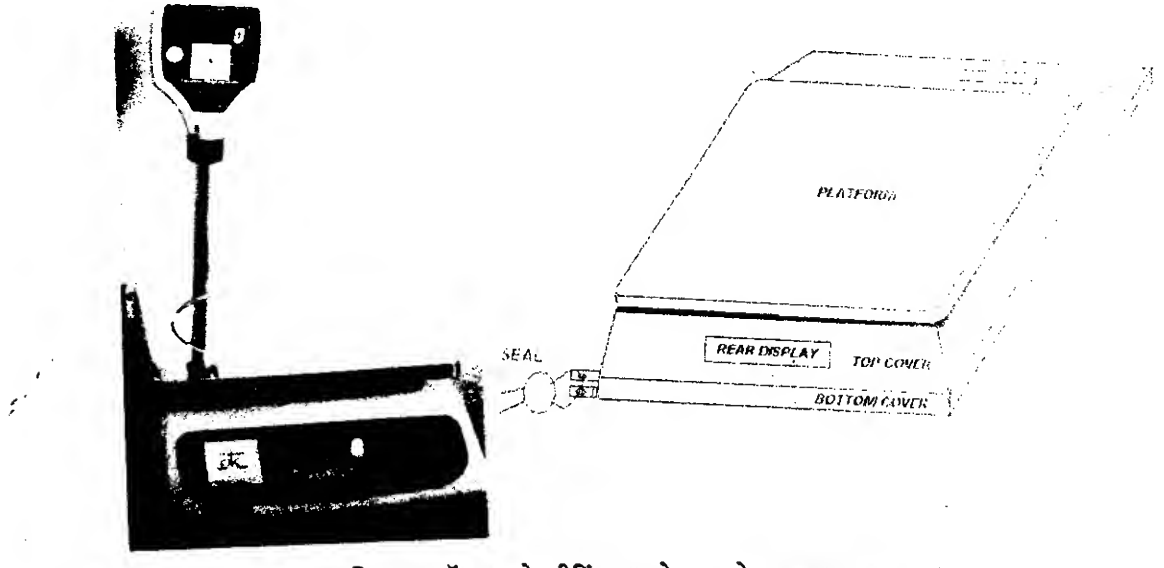
[F.No. WM-21(155)/2011]
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 22 सितम्बर, 2011

का. आ. 39.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स थुलम स्केल्स, 214/307, मंगलम रोड, कुरुवमपल्लयम, तिरूपुर-641604 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "टीटी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) के मॉडल का, जिसके ब्रांड का नाम "टीएचयूएलएएम" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/306 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) है । इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है । सत्यापन मापमान अंतराल (ई) 5 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है । प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम ।

डिस्पले की बॉडी में से सीलिंग वायर निकाल कर डिस्पले पर सीलिंग की जाती है । सील के साथ जुड़े हुए डिस्पले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है । मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है ।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है । बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है ।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिज़ाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k}, 5×10^{k}, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(160)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd September, 2011

S.O. 39.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (approval of Models) Rules, 2011, the Central Government hereby publishes the certificate of approval of the model of non-automatic weighing instrument (Table Top Type) with digital indication of medium accuracy (accuracy class-III) of series "TT" and with brand name "THULAM" (hereinafter referred to as the said model), manufactured by M/s Thulam Scales, 214/307, Mangalam Road, Karuvampalayam, Tirupur-641604 and which is assigned the approval mark IND/09/11/306;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top Type) with a maximum capacity of 30kg and minimum capacity of 100 g. The verification scale interval (e) is 5g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

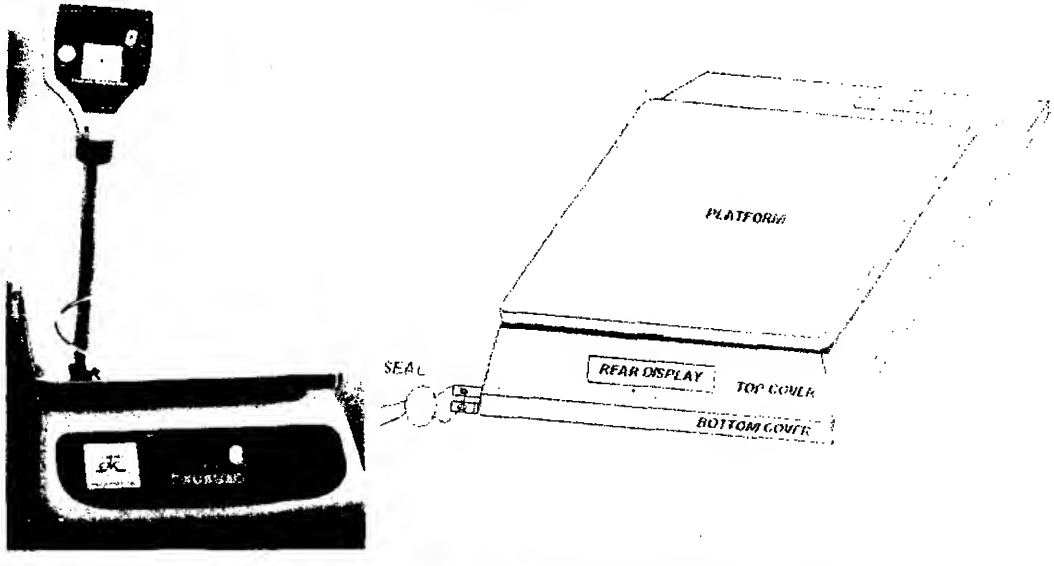


Figure-2 : Schematic diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by hole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/Mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2 g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(160)/2011]

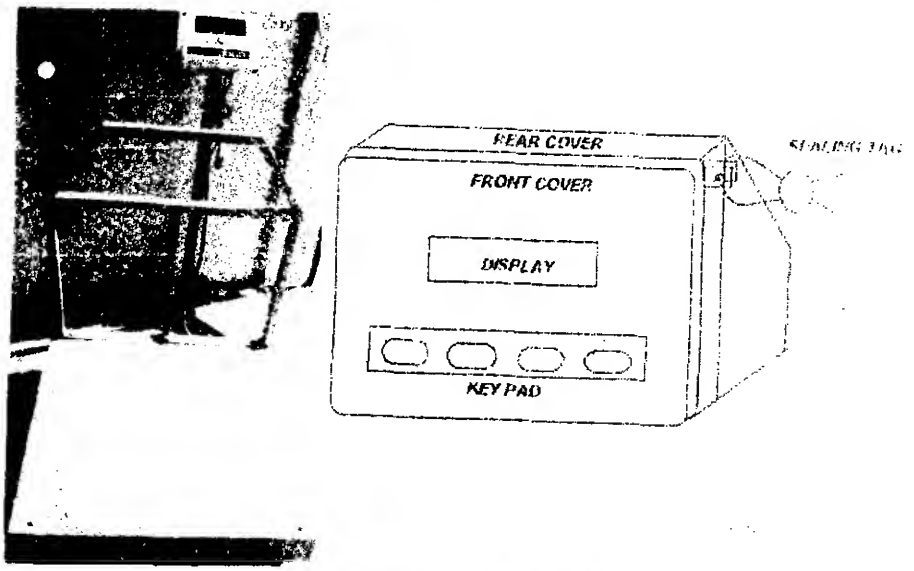
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 22 सितम्बर, 2011

का. आ. 40.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स थुलम स्केल्स, 214/307, मंगलम रोड, कुरुवमपल्लयम, तिरूपुर-641604 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "पीएस" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम "टीएचयूएलएएम" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/307 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है;

उक्त मॉडल एक त्रिकूल गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है । इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 4 कि.ग्रा. है । सत्यापन मापमान अंतराल (ई) 200 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है । प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम ।

डिस्पले की बाडी में से सीलिंग वायर निकाल कर डिस्पले पर सीलिंग की जाती है । सील के साथ जुड़े हुए डिस्पले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है । मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है ।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है । बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है ।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5,000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1\times10^{*}$, $2\times10^{*}$, $5\times10^{*}$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(160)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd September, 2011

S.O. 40.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (Accuracy class-III) of series "PS" and with brand name "THULAM" (hereinafter referred to as the said model), manufactured by M/s Thulam Scales, 214/307, Mangalam Road, Karuvampalayam, Tirupur-641604 and which is assigned the approval mark IND/09/11/307;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform Type) with a maximum capacity of 1000 kg and minimum capacity of 4 kg. The verification scale interval (e) is 200g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

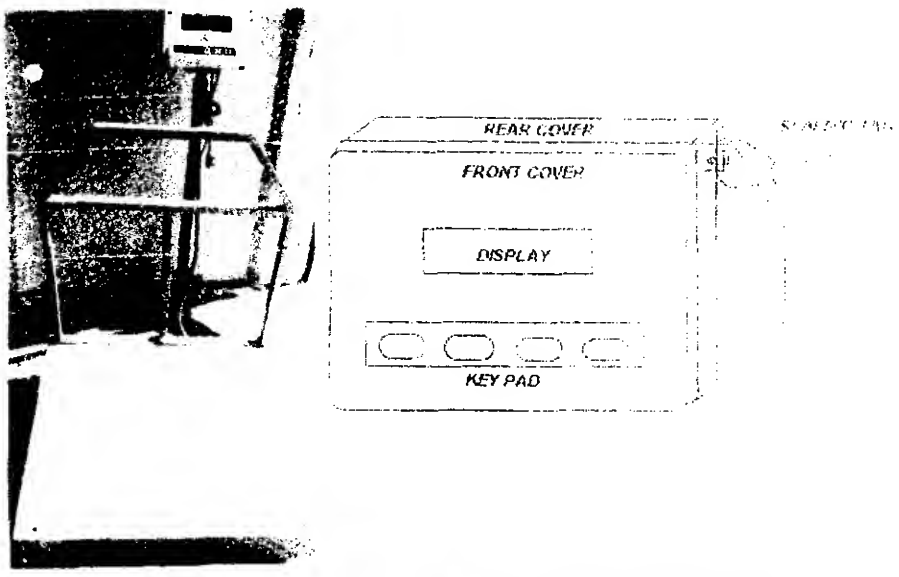


Figure-2 : Schematic diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by hole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg and upto 5,000 kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(160)/2011]

B. N. DIXIT, Director of Legal Metrology

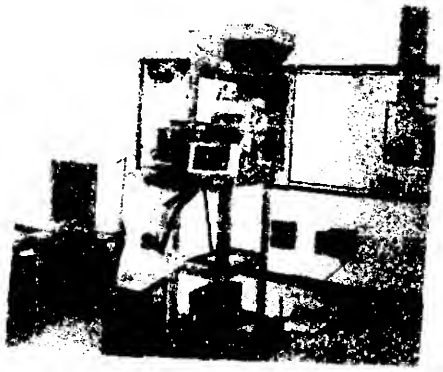
नई दिल्ली, 22 सितम्बर, 2011

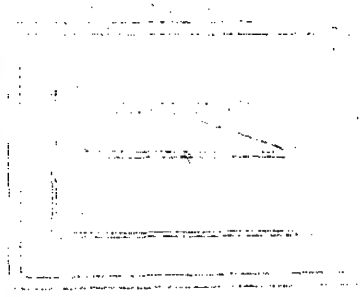
का. आ. 41.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 की प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इशिदा इंडिया (प्रा.) लि., 191, उद्योग विहार, फेज IV, गुडगांव-122016, हरियाणा द्वारा विनिर्मित यथार्थता यथार्थता वर्ग-X(1) वाले "एनईएस-एल या तो सिंगल हैड या डबल हैड" श्रृंखला के स्वचालित ग्रेविमेट्रिक फिलिंग उपकरण के मॉडल का, जिसके ब्रांड का नाम "इशिदा" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/286 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित स्वचालित ग्रेविमेट्रिक फिलिंग उपकरण (लिनियर व्हीयर) है । इसकी अधिकतम क्षमता 5,000 ग्रा. और सबसे कम स्केल अंतराल (डी) वेल्यू । ग्रा. जो उत्पाद की मात्रा और प्रकार पर आधारित फिलरेट 30 फिल्स प्रति मिनट की बारम्बारता सहित है । मशीन को फ्री फ्लोइंग, नॉन स्टिकी, नॉन डस्टी उत्पाद जैसे चाय, चावल, गेहूं, पशुचारा, दालें आदि भरने के लिए डिजाइन किया गया है । प्रकाश उत्सर्जक डायोड (एल ई डी) और एल ई डी बार ग्राफ तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज ए सी प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।

आकृति-1





आकृति-2 : मॉडल को सीलिंग प्रावधान का सीलिंग डायग्राम ।

उपकरण की सीलिंग इस प्रकार होती है—स्टॉम्पिंग सील के सत्यापन के लिए, इंडीकेटर की रियर साइड में दो स्क्रू छेद सहित दिए गए हैं, इन छेदों में से लीडिड वायर कसा जाता है । सील से छेड़-छाड़ किए बिना इसे कपटपूर्ण व्यवहार के लिए प्रयोग नहीं किया जा सकता । मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है । मदर बोर्ड में डिप स्विच की व्यवस्था है और कैलीब्रेशन के बाद डिप स्विच को असक्षम बना कर कपटपूर्ण कार्य प्रणालियों को रोका जा सकता है ।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जिनकी फिलिंग रेंज 10 कि.ग्रा. के साथ 30 फिल्स प्रति मिनट बारम्बारता की होगी ।

[फा. सं. डब्ल्यू एम-21(168)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

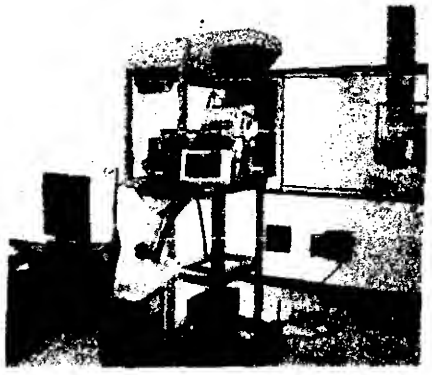
New Delhi, the 22nd September, 2011

S.O. 41.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of Automatic Gravimetric Filling Instrument belonging to Accuracy Class X(1), Series "NES-L either Single Head or Double Head" and with brand name "ISHIDA" (hereinafter referred to as the said model), manufactured by M/s Ishida India (P) Ltd., 191, Udyog Vihar, Phase IV, Gurgaon-122016, Haryana and which is assigned the approval mark IND/09/11/286;

The said model is a strain gauge type load cell based Automatic Gravimetric Filling Instrument (Linear Weigher). It has maximum capacity of 5,000 g and least scale interval (d) value of 1 g with a frequency of 30 fills per minute depending upon the quantity and nature of the product. The machine is designed for filling all types of free flowing, non-sticky, non-dusty products like tea, rice, wheat, cattle feed, pulses etc. Light Emitting Diode (LED) and LED bar graph indicates the weighing result. The instrument operates on Single phase 230 Volts, 50 Hz A.C. power supply.

Figure-1



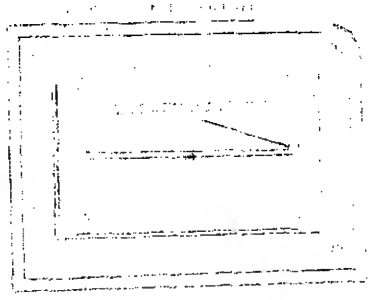


Figure-2 : Schematic diagram of the sealing provision of the model.

The sealing of the instrument is as follows—from the rear side of the indicator two screws are provided with holes and through these holes a leaded wire is fastened for receiving the verification and stamping seal. It cannot be used for fraudulent practices until and unless the seal is tampered. A typical schematic diagram of sealing provision of the model is given above. There is a dip switch in the motherboard and after calibration the dip switch is disabled so that any fraudulent practices can be prevented.

Further, in exercise of the power conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with filling range up to 10 kg with frequency of weighing 30 fills per minute manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(168)/2011]

B. N. DIXIT, Director of Legal Metrology

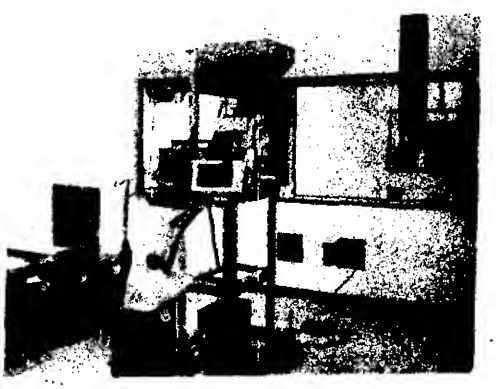
नई दिल्ली, 22 सितम्बर, 2011

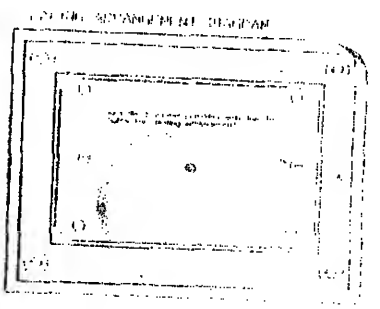
का. आ. 42.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 की प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इशिदा इंडिया (प्रा.) लि., 191, उद्योग विहार, फेज IV, गुडगांव-122016, हरियाणा द्वारा विनिर्मित यथार्थता वर्ग-X(1) वाले "एनईएस-एच" शृंखला के स्वचालित ग्रेविमेट्रिक फिलिंग उपकरण के मॉडल का, जिसके ब्रांड का नाम "इशिदा" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/287 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित स्वचालित ग्रेविमेट्रिक फिलिंग उपकरण (लिनियर व्हीयर) है । इसकी अधिकतम क्षमता 40 कि.ग्रा. और सबसे कम स्केल अंतराल (डी) वेल्यू 10 ग्रा. जो उत्पाद की मात्रा और प्रकार पर आधारित फिलरेट 10 फिल्स प्रति मिनट की बारम्बारता सहित है । मशीन को फ्री फ्लोइंग, नॉन स्टिकी, नॉन डस्टी उत्पाद जैसे चाय, चावल, गेहूं, पशुचारा, दालें आदि भरने के लिए डिजाइन किया गया है । प्रकाश उत्सर्जक डायोड (एल ई डी) और एल ई डी बार ग्राफ तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज ए सी प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।

आकृति-1





आकृति-2 : मॉडल के सीलिंग प्रावधान का सीलिंग डायग्राम ।

उपकरण की सीलिंग इस प्रकार होती है - स्टाम्पिंग सील के सत्यापन के लिए, इंडीकेटर की रियर साइड में दो स्क्रू छेद सहित दिए गए हैं, इन छेदों में से लीडिड वायर कसा जाता है । सील से छेड़-छाड़ किए बिना इसे कपटपूर्ण व्यवहार के लिए प्रयोग नहीं किया जा सकता । मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है । मदर बोर्ड में डिप स्विच की व्यवस्था है और कैलीब्रेशन के बाद डिप स्विच को असक्षम बना कर कपटपूर्ण कार्य प्रणालियों को रोका जा सकता है ।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जिनकी फिलिंग रेंज 100 कि.ग्रा. के साथ 10 फिल्स प्रति मिनट बारम्बारता की होगी ।

[फा. सं. डब्ल्यू एम-21(168)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

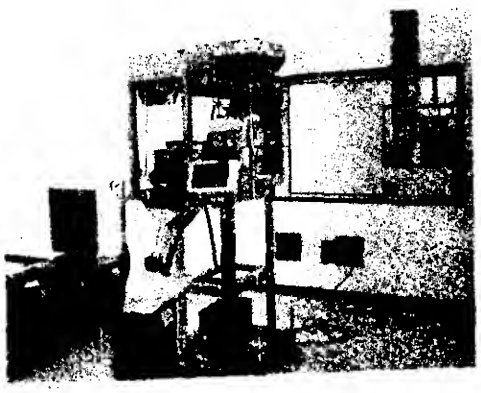
New Delhi, the 22nd September, 2011

S.O. 42.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of Automatic Gravimetric Filling Instrument belonging to Accuracy Class X(1), Series "NES-H" and with brand name "ISHIDA" (hereinafter referred to as the said model), manufactured by M/s Ishida India (P) Ltd., 191, Udyog Vihar, Phase IV, Gurgaon-122016, Haryana and which is assigned the approval mark IND/09/11/287;

The said model is a strain gauge type load cell based Automatic Gravimetric Filling Instrument (Linear Weigher). It has maximum capacity of 40 kg and least scale interval (d) value of 10 g with a frequency of 10 fills per minute depending upon the quantity and nature of the product. The machine is designed for filling all types of free flowing, non-sticky, non-dusty products like tea, rice, wheat, cattle feed, pulses etc. Light Emitting Diode (LED) and LED bar graph indicates the weighing result. The instrument operates on Single phase 230 Volts, 50 Hz A.C. power supply.

Figure-1 Model



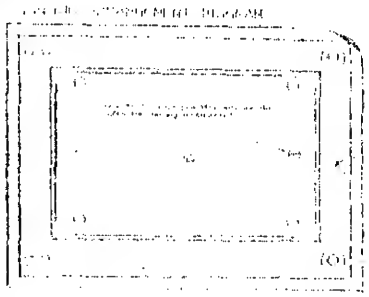


Figure-2 : Schematic diagram of the sealing provision of the model.

The sealing of the instrument is as follows - from the rear side of the indicator two screws are provided with holes and through these holes a leaded wire is fastened for receiving the verification and stamping seal. It cannot be used for fraudulent practices until and unless the seal is tampered. A typical schematic diagram of sealing provision of the model is given above. There is a dip switch in the motherboard and after calibration the dip switch is disabled so that any fraudulent practices can be prevented.

Further, in exercise of the power conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with filling range up to 100 kg with frequency of weighing 10 fills per minute manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(168)/2011]

B. N. DIXIT, Director of Legal Metrology

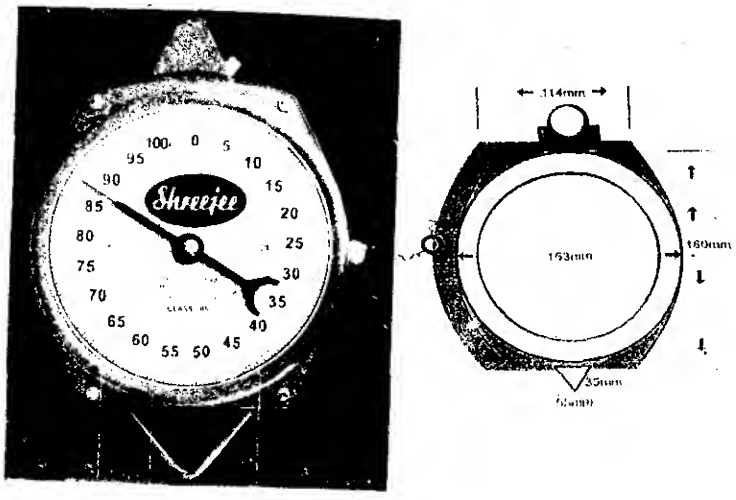
नई दिल्ली, 22 सितम्बर, 2011

का. आ. 43.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 की प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सावर कुण्डला स्केल्ज, स्टेशन रोड, रायपुर-492009, छत्तीसगढ़ द्वारा विनिर्मित साधारण यथार्थता (यथार्थता वर्ग-IV) वाले "एसजेएमएच" शृंखला के एनालाग सूचन सहित अस्वचालित तोलन उपकरण (मेकैनिकल स्प्रिंग बैलेंस हैंगिंग एवं डायल टाइप) के मॉडल का, जिसके ब्रांड का नाम "श्री जी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/326 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है;

उक्त मॉडल स्प्रिंग सिद्धांत पर आधारित मेकैनिकल अस्वचालित तोलन उपकरण (मेकैनिकल स्प्रिंग बैलेंस हैंगिंग एंड डायल टाइप) है । इसकी अधिकतम क्षमता 100 कि.ग्रा. है और न्यूनतम क्षमता 5 कि.ग्रा. है । सत्यापन मापमान अंतराल (ई) 500 ग्रा. है । अंशाकन स्केल पर दिया गया प्वांटर मापमान को सूचित करता है ।

आकृति-1



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम ।

उपकरण की बॉडी पर दिए गए छेदों में से लीड और सील वायर लगाकर सील किया जा सकता है । कपटपूर्ण व्यवहार के लिए मशीन को खोले जाने से रोकने के लिए सीलिंग की जाती है । मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है ।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 500 ग्रा. या उससे अधिक के "ई" मान के लिए 100 से 1,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 500 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1\times10^{*}$, $2\times10^{*}$, $5\times10^{*}$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(170)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd September, 2011

S.O. 43.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of non-Automatic weighing instrument (Mechanical spring balance-hanging and dial type) of ordinary accuracy (accuracy class-IV) of series "SJMH" and with brand name "SHREE JEE" (hereinafter referred to as the said model), manufactured by M/s Savar Kundla Scales, Station Road, Raipur-492009, Chattishgarh and which is assigned the approval mark IND/09/11/326;

The said model is the principal of spring based non-automatic weighing instrument (Mechanical spring balance hanging and dial type) with a maximum capacity of 100 kg and minimum capacity of 5 kg. The verification scale interval (e) is 500 g. A pointer on the dial indicates the results of the measurement.

Figure-1

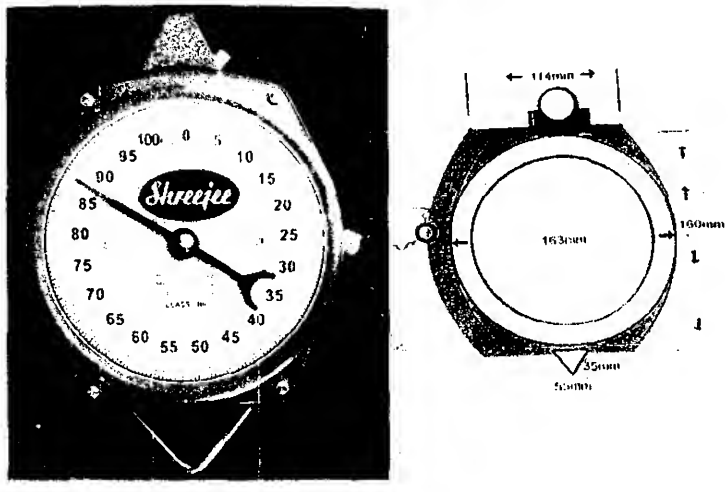


Figure-2 : Sealing diagram of the sealing provision of the model.

Sealing can be done by applying lead and seal wire through the holes provided on the body of the instruments. Sealing shall be done to prevent opening of the weighing machine for fraudulent practice. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the power conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 500 kg with verification scale interval (n) in the range of 100 to 1,000 for 'e' value of 500g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

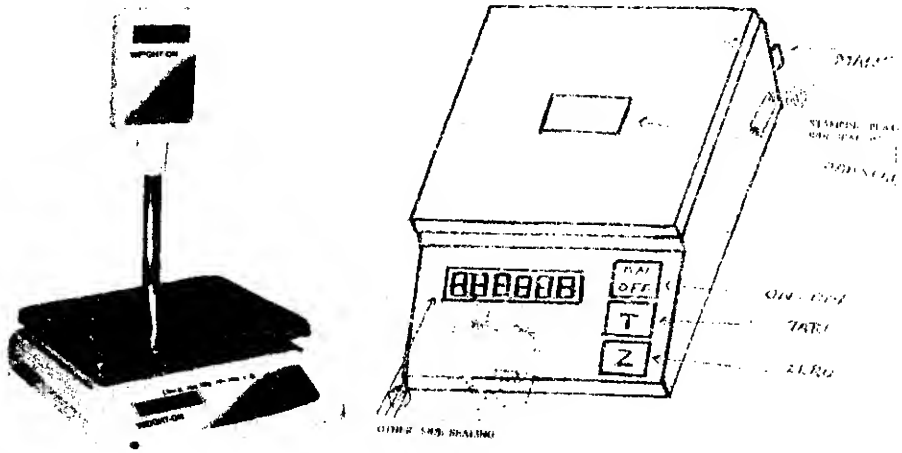
[F.No. WM-21(170)/2011]
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 22 सितम्बर, 2011

का. आ. 44.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वाई पी इंटरप्राइजिज, गुरुद्वारा रोड, मोतीतालाब पारा, जगदलपुर, बस्तर (छत्तीसगढ) पिन-494001 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "डब्ल्यू ई जी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) के मॉडल का, जिसके ब्रांड का नाम "वेट-ऑन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/327 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) है । इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है । सत्यापन मापमान अंतराल (ई) 2 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है । लिक्विड क्रिस्टल डायोड (एल सी डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम ।

डिस्प्ले की बाडी में से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है । सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है । मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है ।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है । बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है ।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के "ई" मान के लिए 100 से 100,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5,000 से 100,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1\times10^{*}$, $2\times10^{*}$, $5\times10^{*}$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(97)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd September, 2011

S.O. 44.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of non-Automatic weighing instrument (Table top type) with digital indication of high accuracy (accuracy class-II) of series "WEJ" and with brand name "WEIGHT-ON" (hereinafter referred to as the said model), manufactured by M/s Y. P. Enterprises, Gurudwara Road, Motitalab Para, Jagdalpur (Bastar) (C.G) Pin-494001 and which is assigned the approval mark IND/09/11/327;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top Type) with a maximum capacity of 30 kg and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Liquid Crystal Display (LCD) indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

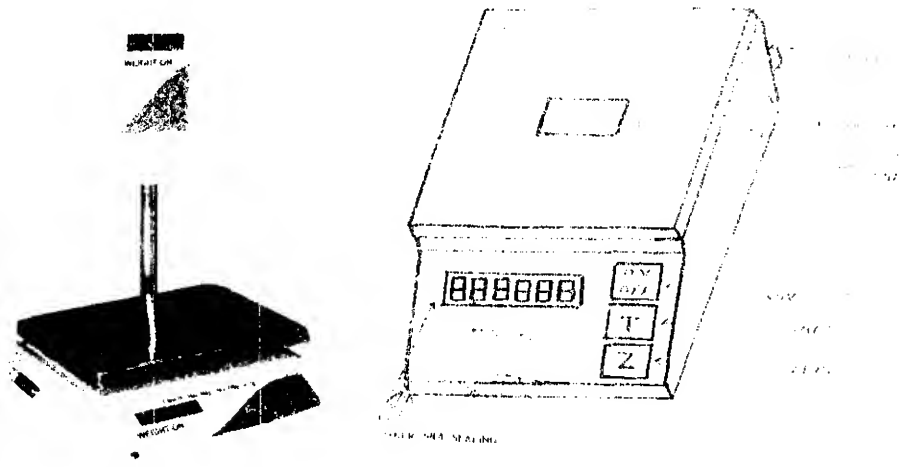


Figure-2 : Schematic diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by hole in base plate and top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg with verification scale interval (n) in the range of 100 to 100,000 for 'e' value of 1mg to 50mg and with verification scale interval (n) in the range of 5,000 to 100,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(97)/2011]

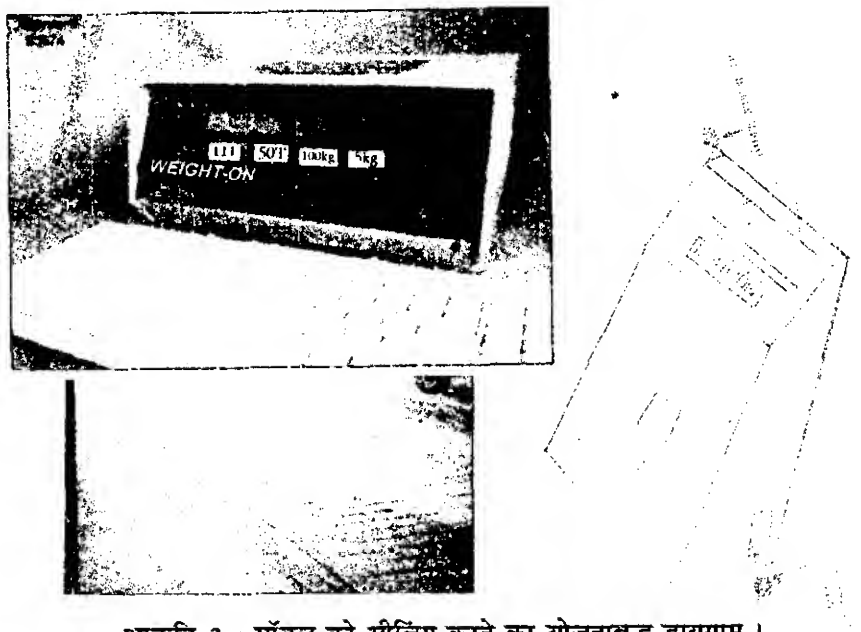
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 22 सितम्बर, 2011

का. आ. 45.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वाई पी इंटरप्राइजिज, गुरुद्वारा रोड, मोतीतालाब पारा, जगदलपुर, बस्तर (छत्तीसगढ़) पिन-494001 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "डब्ल्यू ई डब्ल्यू बी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (इलेक्ट्रोनिक वेब्रिज) के मॉडल का, जिसके ब्रांड का नाम "वेट-ऑन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/328 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (इलेक्ट्रोनिक वेब्रिज) है । इसकी अधिकतम क्षमता 50 टन है और न्यूनतम क्षमता 100 कि.ग्रा. है । सत्यापन मापमान अंतराल (ई) 5 कि.ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है । प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम ।

डिस्प्ले की बॉडी में से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है । सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है । मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है ।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है । बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है ।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से 200 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान $1\times10^{*}$, $2\times10^{*}$, $5\times10^{*}$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(97)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd September, 2011

S.O. 45.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of Approval of the model of non-automatic weighing instrument (Electronic Weighbridge) with digital indication of medium accuracy (accuracy class-III) of series "WEWB" and with brand name "WEIGHT-ON" (hereinafter referred to as the said model), manufactured by M/s Y. P. Enterprises, Gurudwara Road, Motitalab Para, Jagdalpur (Bastar) (C.G) Pin-494001 and which is assigned the approval mark IND/09/11/328;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Electronic Weighbridge) with a maximum capacity of 50 tonne and minimum capacity of 100 kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

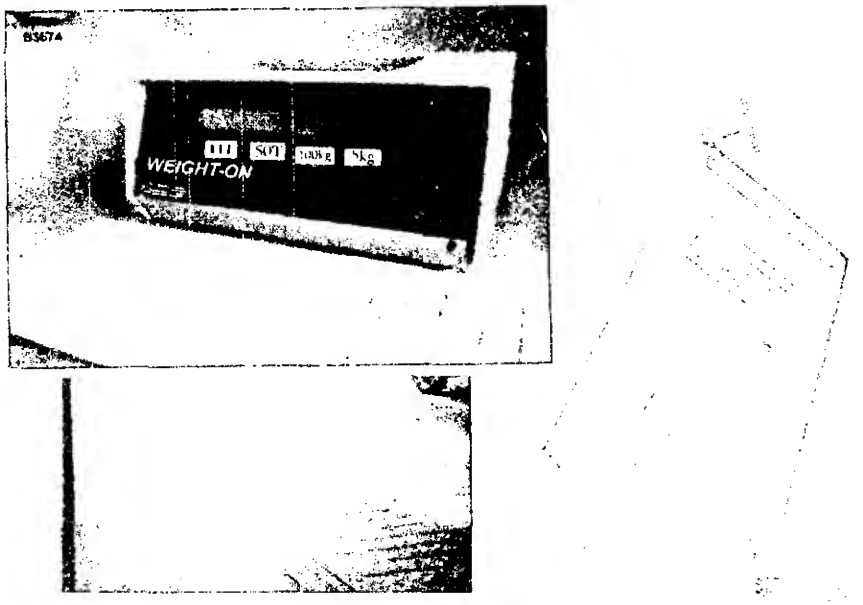


Figure-2 : Schematic diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by hole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/Mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-rule (9) of rule 8 of the Legal Metrology (approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with above 5 tonne and upto 200 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(97)/2011]

B. N. DIXIT, Director of Legal Metrology

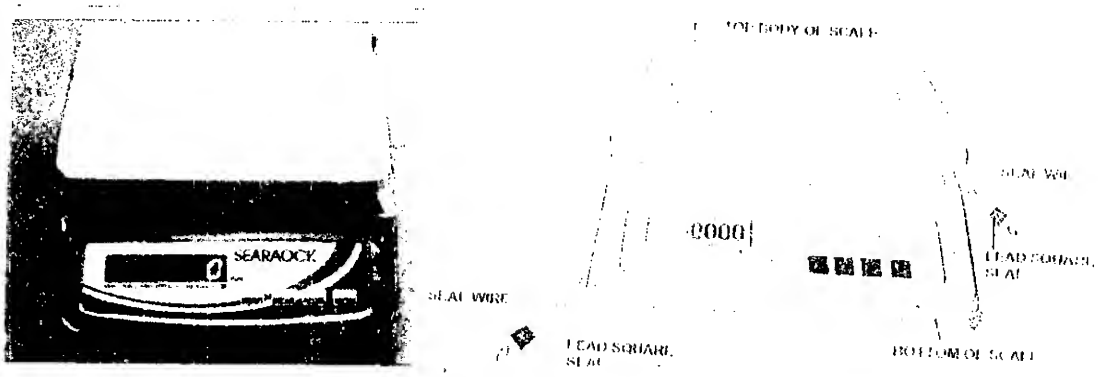
नई दिल्ली, 22 सितम्बर, 2011

का. आ. 46.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स जेड. के. इंटरप्राइजिज, बंगला नं. 15, अहमदी सोसाइटी, जुलटा मीनार के पास, रायपुर, गोमतीनगर, अहमदाबाद-380021 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "जेडकेटी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) के मॉडल का, जिसके ब्रांड का नाम "सीरॉक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/03/171 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) है । इसकी अधिकतम क्षमता 10 कि.ग्रा. और न्यूनतम क्षमता 20 ग्रा. है । सत्यापन मापमान अंतराल (ई) 1 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है । प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।

आकृति-1



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम ।

इंडीकेटर की बॉडी के छेदों में से लिडिड वायर निकाल कर सीलिंग की जाती है और लीड सील लगाई जाती है । मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है ।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है । बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k}, 5×10^{k}, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(31)/2011]
बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd September, 2011

S.O. 46.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weight and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table Top Type) with digital indication of Medium accuracy (accuracy class-III) of series "ZKT" and with brand name "SEA ROCK" (hereinafter referred to as the said model), manufactured by M/s Z. K. Enterprises, Bungalow No. 15, Ahmedi Society, Near Julta Minara Raipur, Gomtinagar, Ahmedabad-380021 and which is assigned the approval mark IND/09/03/171;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top Type) with digital indication of maximum capacity of 10kg and minimum capacity of 20 g. The verification scale interval (e) is 1g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

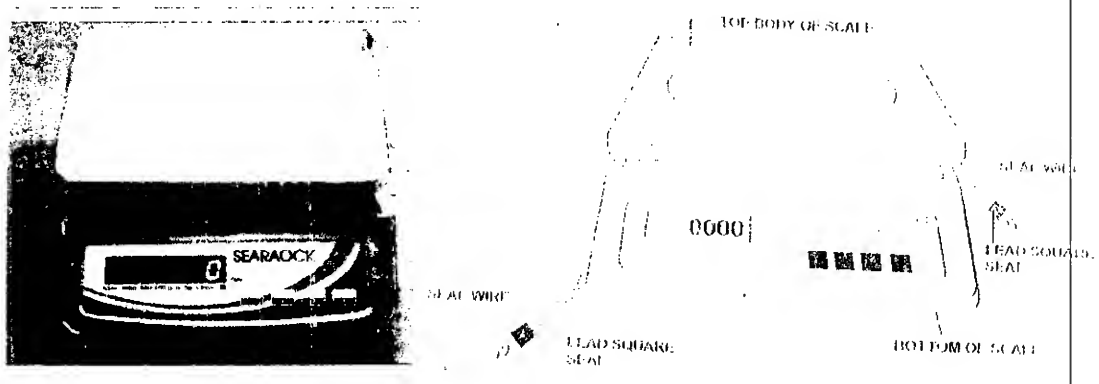


Figure-2 : Schematic diagram of sealing provision of the model.

The sealing is done by passing a leaded wire through the holes on the body of the machine and lead seal is fixed. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibrating. A dip switch has also been provided in A/D card/Mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity up to 50 kg. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(31)/2011]

B. N. DIXIT, Director of Legal Metrology

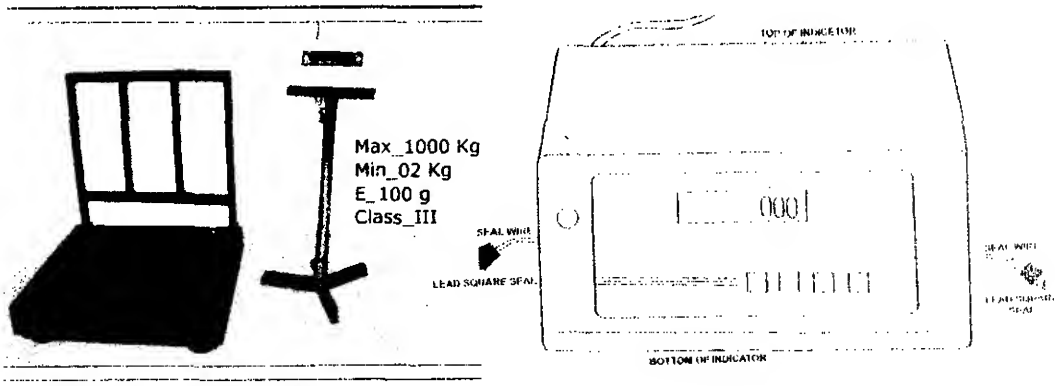
नई दिल्ली, 22 सितम्बर, 2011

का. आ. 47.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स जेड. के. इंटरप्राइजिज, बंगला नं. 15, अहमदी सोसाइटी, जुलटा मीनार के पास, रायपुर, गोमतीनगर, अहमदाबाद-380021 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "जेडकेपी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम "सी रॉक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/03/172 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है । इसकी अधिकतम क्षमता 50 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है । सत्यापन मापमान अंतराल (ई) 5 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है । प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।

आकृति-1



आकृति-2 : मॉडल का सीलिंग प्रावधान ।

इंडीकेटर की बॉडी के छेदों में से लिडिड वायर निकाल कर सीलिंग की जाती है और लीड सील लगाई जाती है । मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है ।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है । बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5,000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1\times10^{*}$, $2\times10^{*}$, $5\times10^{*}$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(31)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd September, 2011

S.O. 47.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Platform type) with digital indication of Medium accuracy (accuracy class-III) of series "ZKP" and with brand name "SEA ROCK" (hereinafter referred to as the said model), manufactured by M/s Z. K. Enterprises, Bungalow No. 15, Ahmedi Society, Near Julta Minara, Raipur, Gomtinagar, Ahmedabad-380021 and which is assigned the approval mark IND/09/03/172;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform Type) with digital indication of maximum capacity of 50kg and minimum capacity of 100 g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1

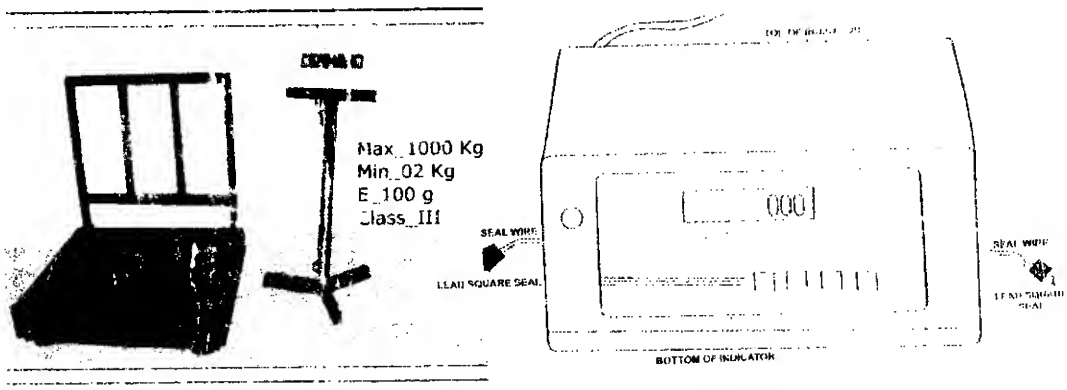


Figure-2 : Model of sealing arrangement model.

The sealing is done by passing a leaded wire through the holes of the body of indicator and lead seal is fixed. A typical schematic diagram of sealing provision of the model is given above.

A instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity above 50 kg. and up to 5,000 kg. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(31)/2011]
B. N. DIXIT, Director of Legal Metrology

(भारतीय मानक ब्यूरो)

नई दिल्ली, 26 दिसम्बर, 2011

का. आ. 48.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक(कों) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
1.	आई एस 1659 : 2004	2, नवम्बर 2011	20-12-2011
2.	आई एस 5509 : 2000	3, नवम्बर 2011	20-12-2011
3.	आई एस 14616 : 1999	4, नवम्बर 2011	20-12-2011

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफ़र मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरूवनन्तापुरम में बिक्री हेतु उपलब्ध हैं ।

[संदर्भ : सीईडी/राजपत्र]

ए. के. सैनी, वैज्ञानिक 'एफ' एवं प्रमुख (सिविल इंजीनियरी)

(BUREAU OF INDIAN STANDARDS)

New Delhi, the 26th December, 2011

S.O. 48.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and year of the Indian Standard	No. and year of the amendment	Date from which the amendment shall have effect
1.	IS 1659 : 2004	2, November 2011	20-12-2011
2.	IS 5509 : 2000	3, November 2011	20-12-2011
3.	IS 14616 : 1999	4, November 2011	20-12-2011

Copy of these amendments are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices. New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref : CED/Gazette]

A. K. SAINI, Sc. 'F' & Head (Civil Engg.)

नई दिल्ली, 29 दिसम्बर, 2011

का. आ. 49.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के नियम (4) के उप-नियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

अनुसूची

क्रम सं.	लाइसेंस संख्या	स्वीकृत करने की तिथि	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा मा संख्या	भाग	अनुभाग	वर्ष
1.	3778787	29-11-2011	सन केपीसीटर्स (पुणे) प्रा. लि. (यूनिट 2), गट संख्या 188, स. नं. 12/1, ज्योतिबानगर तालवडे, तालुका हवेली, जिला पुणे, महाराष्ट्र-412114	ए सी विद्युत तंत्रों के लिए स्वत: धारिता पुनर्प्राप्त न करने वाले 1000 वोल्ट की रेटित वोल्टता के शंट संधारित्र	13585	01		1994
2.	3780774	2-12-2011	राहुल इंडस्ट्रीज, प्लॉट नं. सी-55, एमआईडीसी, वालुज, जिला औरंगाबाद, महाराष्ट्र-431136	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543			2004
3.	3784580	21-12-2011	एस्सार स्टील लि., प्रीकोटेड फेसिलिटी, गट संख्या 740, सनसवाडी, तालुका शिरूर, जिला पुणे, महाराष्ट्र-412208	जस्तीकृत इस्पात की चादर (सादी और नालीदार) – विशिष्ट	277			2003
4.	3755169	23-12-2011	मैसर्स अमित एंटरप्राइजेज, प्लाट नं. 3ए, सं.नं. 21/1, एट पोस्ट डोंगरकाडा, तालुका कलामनूरी, जिला हिंगोली, महाराष्ट्र-413531	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543			2004

[सं. सीएमडी/13 : 11]

बी. एम. हनीफ, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 29th December, 2011

S.O. 49.—In pursuance of sub-regulation (5) of Regulation 4 of the Bureau of Indian Standards (Certification) Regulations, 1988 of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following Schedule :

SCHEDULE

Sl. No.	Licence No.	Grant Date	Name and Address of the Party	Title of the Standard	IS No.	Part	Section	Year
1.	3778787	29-11-2011	Sun Capacitors (Pune) Pvt. Ltd. (Unit 2) Gat No. 188, S. No. 12/1, Jyotibanagar, Talawade, Taluka Haveli, District Pune, Maharashtra-412114	Shunt capacitors of non self healing type for ac power systems having a rated voltage upto and including 1000 V	13585	01		1994
2.	3780774	2-12-2011	Rahul Industries, Plot No. C-55, MIDC, Waluj, District Aurangabad, Maharashtra-431136	Packaged drinking water (Other than packaged natural mineral water)	14543			2004
3.	3784580	21-12-2011	Essar Steel Ltd. Precoated Facility, Gat No. 740, Sanaswadi, Taluka Shirur, District Pune-412208	Galvanized steel sheets (plain and corrugated)— Specification	277			2003
4.	3755169	23-12-2011	Amit Enterprises, Plot No. 3A, Sr. No. 21/1, At Post Dongarkada, Taluka Kalamnuri, District Hingoli, Maharashtra-413531	Packaged drinking water (Other than packaged natural mineral water)	14543			2004

[No. CMD/13 : 11]
B. M. HANEEF, Scientist 'F' and Head

कोयला मंत्रालय

नई दिल्ली, 2 जनवरी, 2012

का. आ. 50.—केन्द्रीय सरकार को यह प्रतीत होता है कि, इससे उपाबद्ध अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है;

और, रेखांक संख्यांक एसईसीएल/बीएसपी/जीएम (पीएलजी)/लैंड/397 तारीख 23 अक्तूबर, 2010 को उक्त अनुसूची में वर्णित भूमि के क्षेत्र का अन्तर्विष्ट किया गया है, उनका निरीक्षण कलेक्टर, रायगढ़ (छत्तीसगढ़) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाऊस स्ट्रीट, कोलकाता-700001 के कार्यालय में या साऊथ ईस्टर्न कोलफील्ड्स लिमिटेड (राजस्व अनुभाग), सीपत रोड, बिलासपुर, छत्तीसगढ़-495006 के कार्यालय में किया जा सकता है ।

अत:, अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अनुसूची में वर्णित भूमि से कोयले का पूर्वेक्षण करने के अपने आशय की सूचना देती है;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति –

(i) संपूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उसके ऊपर किसी अधिकार के अर्जन पर आक्षेप, या

(ii) भूमि या ऐसी भूमि पर कोई अधिकार के प्रतिकर के हित के यदि कोई दावा, या

(iii) खनन पट्टा अर्जित किये जाने के अधीन अधिकारों की पूर्वेक्षण अनुज्ञप्ति प्रभावहीन हो जाने और भूमि संबंधी सभी नक्शे, चार्टों तथा अन्य दस्तावेजों का परिदान, अयस्कों या अन्य खनिजों के नमूनों का संग्रहण और उनका सम्यक् विश्लेषण करने के लिये तथा उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट कोई अन्य सुसंगत अभिलेखों या सामग्रियों की तैयारी के लिए प्रतिकर,

इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर, भारसाधक अधिकारी या विभागाध्यक्ष (राजस्व), साउथ ईस्टर्न कोलफील्ड्स लिमिटेड, सीपत रोड, बिलासपुर, छत्तीसगढ़-495006 को भेजेंगे ।

अनुसूची

कुसुमघाट, पुसलदा, नागदरहा ब्लाक, रायगढ़ क्षेत्र, जिला-रायगढ़ (छत्तीसगढ़) में कोयले का पूर्वेक्षण के लिए प्रस्तावित भूमि का वर्णन

(रेखांक संख्यांक एसईसीएल/बीएसपी/जीएम (पीएलजी)/लैंड/397 तारीख 23 अक्तूबर, 2010)

(क) राजस्व भूमि :

क्रम संख्या	ग्राम	पटवारी हल्का संख्या	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणी
1.	पुसलदा	2	घड़घोडा	रायगढ़	1490.231	संपूर्ण
2.	कुसुमघाट	3	घड़घोडा	रायगढ़	451.772	संपूर्ण
3.	नागदरहा	23	धरमजयगढ़	रायगढ़	1245.472	संपूर्ण
4.	गेरसा	23	धरमजयगढ़	रायगढ़	1315.872	संपूर्ण
5.	सीवार	23	धरमजयगढ़	रायगढ़	600.372	संपूर्ण
6.	आमापाली	23	धरमजयगढ़	रायगढ़	891.642	संपूर्ण
7.	पंडरीपानी	23	धरमजयगढ़	रायगढ़	291.610	संपूर्ण
8.	सागरपुर	23	धरमजयगढ़	रायगढ़	203.447	संपूर्ण
9.	कुडुमकेला	17	घड़घोडा	रायगढ़	1000.000	भाग
10.	घोघरा	17	घड़घोडा	रायगढ़	37.047	भाग
11.	पुरी	3	घड़घोडा	रायगढ़	749.476	संपूर्ण
	कुल क्षेत्र : 8276.941 हेक्टर (लगभग) या 20452.32 एकड़ (लगभग)					

(ख) वन भूमि :

क्रम संख्या	वन का नाम	वन का प्रकार	रेंज	डिवीजन	क्षेत्र हेक्टर में	टिप्पणी
1.	सीसरिंगा	आ.वन	धरमजयगढ़	रायगढ़	1200.000	भाग
2.	मारपहाड़	आ.वन	धरमजयगढ़	रायगढ़	600.000	भाग
	कुल क्षेत्र : 1800.000 हेक्टर (लगभग) या 4447.80 एकड़ (लगभग)					
	कुल योग (क + ख) : 10076.941 हेक्टर (लगभग) या 24900.12 एकड़ (लगभग)					

सीमा वर्णन :

क–ख–ग–घ	रेखा ग्राम आमापाली के पश्चिमी सीमा में "क" बिन्दु से आरंभ होती है और ग्राम आमापाली, सागरपुर के उत्तरी सीमा, बिन्दु "ख", "ग" फिर ग्राम सागरपुर के पूर्वी, ग्राम हिम्मतपुर के पश्चिमी सीमा से होती हुई जाती है और बिन्दु "घ" पर मिलती है ।
घ–ङ–च	रेखा सीसरिंगा आरक्षित वन और बिन्दु "ङ" से होकर ग्राम नागदरहा के उत्तरी और पूर्वी सीमा के साथ-साथ जाती है और "च" बिन्दु पर मिलती है ।
च–छ–ज–झ	रेखा ग्राम पुसलदा के पूर्वी तथा दक्षिणी सीमा और बिन्दु "छ", "ज" से होकर ग्राम पुसलदा के भागत: दक्षिणी सीमा से होती हुई जाती है और "झ" बिन्दु पर मिलती है ।
झ–ञ–त–थ–द	रेखा ग्राम धोधरा तथा बिन्दु "ञ" से गुजर कर ग्राम कुसुमघाट के भागत: दक्षिणी सीमा तथा बिन्दु "त" और ग्राम कुडुमकेला और बिन्दु "थ" से होकर जाती है और बिन्दु "द" में मिलती है ।
द–ध–न–ट	रेखा ग्राम कुडुमकेला के भागत: पश्चिमी सीमा, बिन्दु "ध" ग्राम पुरी के दक्षिणी और पश्चिमी सीमा और बिन्दु "न" से होती हुई जाती है और "ट" बिन्दु पर मिलती है ।
ट–ठ–ड–ढ	रेखा मारपहाड़ आरक्षित वन और बिन्दु "ठ", "ड" से होकर ग्राम गेरसा के पश्चिमी सीमा से होती हुई जाती है और "ढ" बिन्दु पर मिलती है ।
ढ–ण–क	रेखा ग्राम गेरसा तथा आमापाली के पश्चिमी सीमा और बिन्दु "ण" से होती हुई जाती है और आरंभिक बिन्दु "क" पर मिलती है ।

[फा. सं. 43015/24/2010-पी.आर.आई.डब्ल्यू.-I]

ए. के. दास, अवर सचिव

MINISTRY OF COAL

New Delhi, the 2nd January, 2012

S.O. 50.–Whereas, it appears to the Central Government that Coal is likely to be obtained from the lands mentioned in the Schedule annexed hereto;

And whereas, the plan bearing number SECL/BSP/GM (Plg)/Land/397 dated the 23rd October, 2010 containing details of the areas of the land described in the said schedule may be inspected in the office of the Collector, Raigarh (Chhattisgarh) or in the office of the Coal Controller, 1, Council House Street, Kolkata-700001 or in the office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilaspur, Chhattisgarh-495006;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal from lands described in the said schedule ;

Any person interested in the land described in the said schedule may –

(i) object to the acquisition of the whole or any part of the land, or of any rights in or over such land, or

(ii) claim and interested in compensation if the land or any rights in or over such land, or

(iii) seek compensation for prospecting licences ceasing to have effect, rights under mining lease being acquired, and deliver all maps, charts and other documents relating to the land, collection from the land of cores or other mineral samples and due analysis thereof and the preparation of any other relevant record or materials referred to in sub-section (7) of Section 13 of the said Act,

to the Officer-in-Charge or Head of the Department (Revenue), South Eastern Coalfields Limited, Seepat Road, Bilaspur, Chhattisgarh-495006, within ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE

Description of the land to prospect for coal in Kusumghat, Pusalda, Nagdarha Block, Raigarh Area, District-Raigarh (Chhattisgarh).

(Plan bearing number SECL/BSP/GM (Plg)/Land/397 dated the 23rd October, 2010)

(A) Revenue Land :

Sr. No.	Name of Village	Patwari halka number	Tahsil	District	Area in hectares	Remarks
1.	Pusalda	2	Gharghoda	Raigarh	1490.231	Full
2.	Kusumghat	3	Gharghoda	Raigarh	451.772	Full
3.	Nagdarha	23	Dharamjaigarh	Raigarh	1245.472	Full
4.	Gersa	23	Dharamjaigarh	Raigarh	1315.872	Full
5.	Siwar	23	Dharamjaigarh	Raigarh	600.372	Full
6.	Ammapali	23	Dharamjaigarh	Raigarh	891.642	Full
7.	Pandaripani	23	Dharamjaigarh	Raigarh	291.610	Full
8.	Sagarpur	23	Dharamjaigarh	Raigarh	203.447	Full
9.	Kudumkela	17	Gharghoda	Raigarh	1000.000	Part
10.	Ghoghara	17	Gharghoda	Raigarh	37.047	Part
11.	Puri	3	Gharghoda	Raigarh	749.476	Full
	Total : 8276.941 hectares (approximately) or 20452.32 acres (approximately)					

(B) Forest Land :

Sr. No.	Name of Forest	Type of Forest	Range	Division	Area in hectares	Remarks
1.	Sisringa	R.F.	Dharamjaigarh	Raigarh	1200.000	Part
2.	Marpahar	R.F.	Dharamjaigarh	Raigarh	600.000	Part
	Total : 1800.000 hectares (approximately) or 4447.80 acres (approximately)					
	Grand Total (A + B) : 10076.941 hectares (approximately) or 24900.12 acres (approximately)					

BOUNDARY DESCRIPTION :

A-B-C-D	Line starts from point 'A' on the western boundary of village Ammapali and passes along northern boundary of village Ammapali, Sagarpur, point 'B', 'C' eastern boundary of village Sagarpur, western boundary of village Himmatpur and meets at point "D".
D-E-F	Lines passes through Sisringa Reserve Forest, point 'E', along northern and eastern boundary of village Nagdarha and meets at point "F".
F-G-H-I	Line passes along eastern and southern boundary of village Pusalda, point 'G' 'H', partly southern boundary of village Pusalda and meets at point "I".
I-J-K-L-M	Line passes through village Ghoghara, point 'J', along partly southern boundary of village Kusumghat, point 'K', through village Kudumkela, point 'L' and meets at point 'M'.
M-N-O-P	Lines passes along partly western boundary of village Kudumkela, point 'N' southern and western boundary of village Puri, point 'O' and meets at point 'P'.
P-Q-R-S	Line passes through Marpahar Reserve Forest, point 'Q', 'R', along western boundary of village Gersa and meets at point 'S'.

S-T-A Line passes along western boundary of village Gersa and Ammapali, point 'T' and meets at starting point "A".

[F. No. 43015/24/2010-PRIW-I]
A.K. DAS, Under Secy.

आदेश

नई दिल्ली, 2 जनवरी, 2012

का. आ. 51.—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 9 की उप-धारा (1) के अधीन जारी भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का.आ. 581 तारीख 18 फरवरी, 2011 के, भारत के राजपत्र, भाग-II, खंड 3, उपखंड (ii), तारीख 26 फरवरी, 2011 में प्रकाशित होने पर, उक्त अधिसूचना से संलग्न अनुसूची में वर्णित भूमि और भूमि में या उस पर के सभी अधिकार (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) उक्त अधिनियम की धारा 10 की उप-धारा (1) के अधीन, सभी विल्लंगमों से मुक्त होकर, आत्यंतिक रूप में केन्द्रीय सरकार में निहित हो गए हैं;

और, केन्द्रीय सरकार का यह समाधान हो गया है, कि नार्दर्न कोलफील्ड्स लिमिटेड, सिंगरौली (जिसे इसमें इसके पश्चात् सरकारी कंपनी कहा गया है), ऐसे निबंधनों और शर्तों को, जिन्हें केन्द्रीय सरकार इस निमित्त अधिरोपित करना उचित समझे, अनुपालन करने के लिए रजामंद हैं;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 11 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि इस प्रकार निहित उक्त भूमि और उक्त भूमि में या उस पर के अधिकार तारीख 26 फरवरी, 2011 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने के बजाय, निम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए, सरकारी कंपनी में निहित हो जाएंगे, अर्थात् :—

(1) उक्त सरकारी कंपनी, उक्त अधिनियम के उपबंधों के अधीन यथा अवधारित प्रतिकर, ब्याज, नुकसानी और वैसी ही मदों की बाबत किए गए संदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी;

(2) उक्त सरकारी कंपनी द्वारा शर्त (1) के अधीन, केन्द्रीय सरकार को संदेय रकमों का अवधारण करने के प्रयोजन के लिए एक अधिकरण का गठन किया जाएगा तथा ऐसे किसी अधिकरण और ऐसे अधिकरण की सहायता के लिए नियुक्त व्यक्तियों के संबंध में उपगत सभी व्यय, उक्त सरकारी कंपनी वहन करेगी और इसी प्रकार, इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के लिए या उनके संबंध में सभी विधिक कार्यवाहियों, जैसे अपील आदि की बाबत उपगत, सभी व्यय भी, उक्त सरकारी कंपनी द्वारा वहन करेगी;

(3) उक्त सरकारी कंपनी, केन्द्रीय सरकार और उसके पदधारियों को ऐसे किसी अन्य व्यय के संबंध में, जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारें में, केन्द्रीय सरकार और या उसके पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो क्षतिपूर्ति करेगी;

(4) उक्त सरकारी कंपनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, उक्त भूमि और अधिकार किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी; और

(5) उक्त सरकारी कंपनी, ऐसे निर्देशों या शर्तों का, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिए दिए जाएं या अधिरोपित की जाए, पालन करेगी ।

[फा. सं. 43015/15/2009-पीआरआईडब्ल्यू.-I]

ए. के. दास, अवर सचिव

ORDER

New Delhi, the 2nd January, 2012

S.O. 51.–Whereas, on the publication of the notification of the Government of India in the Ministry of Coal, number S.O. 581, dated the 18th February, 2011, published in the Gazette of India, Part-II, Section 3, sub-section (ii) dated the 26th February, 2011, issued under sub-section (1) of Section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the land and all rights in or over the land described in the Schedule appended to the said notification (hereinafter referred to as the said land) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of Section 10 of the said Act;

And, whereas, the Central Government is satisfied that the Northern Coalfields Limited, Singrauli (hereinafter referred to as the said Government Company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 11 of the said Act, the Central Government hereby direct that the said land and rights in or over the said land so vested shall with effect from 26th February, 2011 instead of continuing to so vest in the Central Government, shall vest in the said Government Company, subject to the following terms and conditions, namely :—

(1) The said Government Company shall reimburse to the Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act;

(2) A tribunal shall be constituted for the purpose of determining the amounts payable to the Central Government by the said Government Company under condition (1) and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal shall be borne by the said Government Company and similarly, all expenditure incurred in respect of all legal proceedings like appeals, etc. for or in connection with the rights, in or over the said land, so vested, shall also be borne by the said Government Company;

(3) The said Government Company shall indemnify the Central Government or its Officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the rights in or over the said lands so vesting;

(4) The said Government Company shall have no power to transfer the said lands to any other persons without the prior approval of the Central Government; and

(5) The said Government Company shall abide by such direction and conditions as may be given or imposed by the Central Government for particular areas of the said lands, as and when necessary.

[F. No. 43015/15/2009-PRIW-I]
A.K. DAS, Under Secy.

आदेश

नई दिल्ली, 2 जनवरी, 2012

का. आ. 52.—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 9 की उप-धारा (1) के अधीन जारी की गई भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का. आ. 3133 तारीख 16 दिसम्बर, 2010 के, भारत के राजपत्र, भाग-II, खंड 3, उपखंड (ii), तारीख 25 दिसम्बर, 2010 में प्रकाशित होने पर, उक्त अधिसूचना से संलग्न अनुसूची में वर्णित भूमि और भूमि में या उस पर के सभी अधिकार (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) उक्त अधिनियम की धारा 10 की उप-धारा (1) के अधीन, सभी विल्लंगमों से मुक्त होकर, आत्यंतिक रूप में केन्द्रीय सरकार में निहित हो गए थे;

और, केन्द्रीय सरकार का यह समाधान हो गया है, कि साउथ ईस्टर्न कोलफील्ड्स लिमिटेड सीपत रोड, डाकघर संख्या 60, जिला-बिलासपुर-495006 (छत्तीसगढ़)(जिसे इसमें इसके पश्चात् उक्त सरकारी कंपनी कहा गया है), ऐसे निबंधनों और शर्तों को, जिन्हें केन्द्रीय सरकार इस निमित्त अधिरोपित करना उचित समझे, अनुपालन करने के लिए तैयार है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 11 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि इस प्रकार निहित उक्त 2213.242 हेक्टर भूमि और उस पर के अधिकार तारीख 25 दिसम्बर, 2010 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने के बजाय, निम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए, उक्त सरकारी कंपनी में निहित हो जाएंगे, अर्थात् :—

(1) उक्त सरकारी कंपनी, उक्त अधिनियम के उपबंधों के अधीन यथा अवधारित प्रतिकर, ब्याज, नुकसान और वैसी ही मदों की बाबत किए गए सभी संदायों के लिए केन्द्रीय सरकार को प्रतिपूर्ति करेगी;

(2) उक्त सरकारी कंपनी द्वारा शर्त (1) के अधीन, केन्द्रीय सरकार को संदेय रकमों का अवधारण करने के प्रयोजन के लिए एक अधिकरण का गठन किया जाएगा तथा ऐसे किसी अधिकरण और ऐसे अधिकरण की सहायता करने के लिए नियुक्त व्यक्तियों के संबंधों में उपगत सभी व्यय उक्त सरकारी कंपनी द्वारा वहन किए जायेंगे और इसी प्रकार, निहित उक्त भूमि में या उस पर के अधिकार के लिए या उससे संबंध में कोई अपील आदि सभी विधिक कार्यवाहियों की बाबत उपगत, सभी व्यय भी इसी प्रकार उक्त सरकारी कंपनी द्वारा वहन किए जायेंगे;

(3) उक्त सरकारी कंपनी, केन्द्रीय सरकार और उसके पदधारियों की, ऐसे किसी अन्य व्यय के संबंध में, क्षतिपूर्ति करेगी जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारें में, केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो;

(4) उक्त सरकारी कंपनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, उक्त भूमि और भूमि में या उसके ऊपर इस प्रकार निहित सभी अधिकारों को किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी; और

(5) उक्त सरकारी कंपनी, ऐसे निर्देशों या शर्तों का, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हों, उक्त भूमि के विशिष्ट क्षेत्रों के लिए दिए जाएं या अधिरोपित की जाएं, पालन करेगी ।

[फा. सं. 43015/10/2006-पीआरआईडब्ल्यू.-I]
ए. के. दास, अवर सचिव

ORDER

New Delhi, the 2nd January, 2012

S.O. 52.--Whereas, on the publication of the notification of the Government of India in the Ministry of Coal, number S.O. 3133, dated the 16th December, 2010, published in the Gazette of India, Part-II, Section 3, sub-section (ii) dated the 25th December, 2010, issued under sub-section (1) of Section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the land and all rights in or over the land described in the Schedule appended to the said notification (hereinafter referred to as the said lands) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of Section 10 of the said Act;

And, whereas, the Central Government is satisfied that the South Eastern Coalfields Limited, Seepat Road, Post Box number 60, District-Bilaspur-495006 (Chhattisgarh) (hereinafter referred to as the said Government Company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 11 of the said Act, the Central Government hereby direct that the all rights of 2213.242 hectares land in or over the said lands so vested shall with effect from 25th December, 2010 instead of continuing to so vest in the Central Government, shall vest in the Government Company, subject to the following terms and conditions, namely :

(1) The Government Company shall reimburse to the Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act;

(2) A tribunal shall be constituted for the purpose of determining the amounts payable to the Central Government by the said Government Company under condition (1) and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal shall be borne by the said Government Company and similarly, all expenditure incurred in respect of all legal proceedings like appeals, etc. for or in connection with the rights, in or over the said lands, so vested, shall also be borne by the said Government Company;

(3) The Government Company shall indemnify the Central Government or its Officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the rights in or over the said lands so vesting;

(4) The Government Company shall have no power to transfer the said lands and rights to any other persons without the previous approval of the Central Government; and

(5) The said Government Company shall abide by such direction and conditions as may be given or imposed by the Central Government for particular areas of the said lands, as and when necessary.

[F. No. 43015/10/2006-PRIW-I]
A.K. DAS, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 2 जनवरी, 2012

का. आ. 53.—भारत सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मैसर्स रिलाएंस इण्डस्ट्रीज लिमिटेड के आन्ध्र प्रदेश में पूर्वी तट पर काकीनाडा स्थित अपतटीय गैस प्रसंस्करण टर्मिनल से देश के विभिन्न हिस्सों मे स्थित उपभोक्ताओं तक प्राकतिक गैस के परिवहन के लिए मैसर्स रिलोजिसटिक्स इन्फ्रास्ट्रक्चर लिमिटेड द्वारा विजयावाडा-नेल्लोर-चेन्नई पाइपलाइन बिछाई जानी चाहिए ;

और, भारत सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसके भीतर उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः, अब, भारत सरकार पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उप-धारा (1) के अधीन जारी की गई अधिसूचना की प्रतियॉ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उपयोग के अधिकार का अर्जन के संबध में श्री वी. वेन्कटासुब्बु,सक्षम प्राधिकारी,रिलोजिसटिक्स इन्फ्रास्ट्रक्चर लिमिटेड नं. 89, डॉ. राधाकृष्णन सलाई, छठवीं मंजिल, मैलापुर, चैन्नई-600 004, तमिलनाडु राज्य को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तालुक : तिरूत्तनी	जिला : तिरूवल्लुर	राज्य : तमिलनाडु		
गाँव का नाम	सर्वे सं./ सब डिविजन सं.	आर.ओ.यू. अर्जित करने के लिए क्षेत्रफल		
		हेक्टेयर	एयर	सि.एयर
1	2	3	4	5
1) चीव्वाडा	83	00	22	07
	79/3	00	27	96
	79/2	00	18	51
	80/6ए	00	35	72
	81/5	00	01	90
	80/5	00	00	56
	80/4ए	00	18	74
	80/2	00	00	10
	73/5	00	10	11
	73/4	00	03	26
	73/3	00	06	58
	73/2	00	12	50
	73/6	00	03	62
	73/1	00	04	75
	81/7	00	00	50

1	2	3	4	5
1) चीव्वाडा (निरंतर)	89/1ए	00	02	04
	89/1वी	00	00	95
	72/13	00	03	97
	72/2ए	00	14	45
	72/1जी	00	00	70
	72/1एफ	00	02	40
	72/2वी	00	07	56
	72/5ई	00	00	72
	72/3	00	01	98
	72/5डी	00	07	30
	72/5सी	00	01	81
	72/5वी	00	00	21
	72/6	00	08	80
	72/7सी	00	00	72
	72/7वी	00	01	87
	72/7ए	00	03	75
	70/12	00	00	10
	68/27	00	03	55
	68/28वी	00	02	25
	68/28सी	00	01	51
	68/28डी	00	05	58
	68/24	00	00	23
	68/9	00	00	10
	72/10ए	00	00	28
	72/9ए	00	03	00
	72/9वी	00	01	55
	72/8	00	05	71
	69/7	00	00	65
	69/3	00	05	43
	69/1	00	03	46
	69/2	00	10	31
	92	00	15	41
	134/6	00	01	38
	134/5	00	10	86
	134/3सी	00	07	04
	134/3ए	00	00	10
	134/3वी	00	04	03
	134/4	00	04	68
	134/2	00	00	35
	133/1	00	01	65
	138/4	00	09	64
	138/5	00	00	39
	138/3	00	00	10
	138/6	00	08	15
	133/5	00	07	61
	138/7	00	04	03

1	2	3	4	5
1) चीव्वाडा (निरंतर)	138/11	00	04	63
	138/12	00	02	11
	138/13	00	01	42
	138/10वी	00	16	58
	138/10ए	00	10	21
	138/9वी	00	00	10
	139/1	00	04	06
	140/12	00	11	24
	139/2	00	00	10
	140/13	00	02	03
	140/14	00	01	30
	140/15वी	00	06	53
	140/25	00	01	82
	140/24	00	03	67
	140/15ए	00	00	60
	140/22	00	01	31
	140/23	00	01	55
	140/21	00	02	13
	139/5	00	01	57
	160/2	00	10	21
	160/1	00	14	85
	161	00	04	67
	162/5	00	06	07
	162/8	00	00	94
	162/4	00	14	08
	162/3	00	08	09
	162/2	00	00	44
	163/2ए1	00	07	56
	163/2ए2	00	15	06
	163/2वी	00	03	83
	163/1	00	03	11
	156/17	00	01	60
	156/18	00	07	90
	156/19वी	00	07	17
	156/19ए	00	00	10
	156/20	00	07	39
	156/21	00	01	04
	156/22	00	11	44
	156/23	00	07	37
	156/24	00	02	77
	165/1	00	00	10
	166/11	00	00	62
	166/12	00	04	73
	166/13	00	02	89
	166/16	00	11	68
	166/17	00	00	10
	166/18	00	00	96

1	2	3	4	5
1) चीन्नाडा (निरंतर)	166/20	00	05	45
	166/21	00	06	16
	166/22	00	00	33
	167/20	00	00	10
	171	00	09	12
	251/11	00	07	52
	251/10	00	10	39
	251/9	00	00	28
	251/8	00	15	34
	251/5	00	00	33
	251/2	00	02	66
	251/3	00	05	73
	251/4	00	07	73
	250/1	00	16	80
	250/8	00	03	70
	249/13	00	00	57
	249/14	00	09	61
	249/19	00	10	69
	249/20ए	00	05	18
	230	00	11	63
	229/7	00	06	22
	229/8	00	03	77
	229/6	00	02	32
	229/5	00	02	66
	229/4सी	00	01	53
	229/4डी	00	05	43
	229/4बी	00	00	35
	228/14	00	01	23
	228/8ए	00	09	73
	228/8बी	00	05	40
	228/13	00	10	87
	228/12	00	02	13
	228/9	00	08	16
	228/10	00	00	10
	228/7ए	00	07	32
	228/7बी	00	03	74
	228/6	00	00	10
	235/2	00	01	72
	222	00	46	06
2) नेमीली	29	00	73	82
	217	00	01	71
	30/2	00	01	05
	216	00	26	71
	215/10	00	00	10
	215/1डी	00	16	61
	215/1सी	00	03	42

1	2	3	4	5
2) नेमीली (निरंतर)	215/13	00	09	49
	215/2ए	00	03	95
	215/2सी	00	03	13
	213/1	00	03	40
	213/2	00	08	76
	212/4	00	13	46
	212/6	00	28	79
	212/5	00	35	32
	212/1	00	02	83
	210/5	00	13	55
	210/7ए1	00	16	58
	210/8	00	00	91
	199	00	07	67
	188/2ए	00	19	65
	188/1	00	06	89
	189/6	00	09	79
	189/9ए	00	00	42
	189/9बी	00	05	71
	189/16	00	01	12
	189/10	00	08	89
	189/15	00	08	47
	189/14	00	00	10
	189/13	00	06	14
	189/11सी	00	03	88
	189/12सी	00	03	53
	189/11बी	00	00	84
	189/12बी	00	02	88
	190/1	00	21	67
	190/6	00	00	43
	190/5	00	06	46
	190/2	00	05	25
	190/3	00	04	30
	190/4	00	04	64
	191/1	00	10	49
	169/8	00	00	10
	169/9	00	06	31
	169/12	00	21	19
	169/11	00	01	59
	168/19	00	00	10
	168/20	00	00	06
	192/2	00	04	73
	192/3	00	00	10
	192/1	00	02	58
	166	00	12	05
	157/6	00	06	83
	157/8	00	06	61
	157/10	00	02	67

1	2	3	4	5
2) नेमीली (निरंतर)	157/11	00	00	84
	157/12	00	00	30
	157/13	00	04	07
	157/14	00	01	92
	157/15	00	02	54
	157/16	00	01	68
	157/17	00	02	06
	156/1	00	03	27
	156/2	00	02	27
	156/3	00	03	38
	156/4	00	07	04
	156/5	00	03	08
	156/6	00	00	32
	156/7	00	00	17
	156/9	00	01	33
	114/10	00	01	31
	114/13	00	03	61
	115/2	00	11	20
	115/3	00	03	75
	115/4	00	09	81
	115/5	00	01	53
	115/6	00	03	05
	115/7	00	03	95
	115/8	00	03	63
	115/9	00	00	52
	115/10	00	04	90
	115/11	00	00	74
	116	00	28	25
	113/15	00	03	66
	113/16	00	02	82
	113/19	00	03	16
	113/20	00	03	49
	113/21ए	00	01	60
	113/21वी	00	05	23
	112/1	00	07	17
	112/6	00	00	44
	112/7ए	00	00	10
	111/2	00	01	65
	108/6	00	00	10
	108/8	00	00	32
	108/9	00	00	66

1	2	3	4	5
2) मेमीली (निरंतर)	108/10	00	02	13
	108/11ए	00	01	68
	108/11वी	00	01	71
	108/12	00	09	32
	108/13	00	04	42
	108/14	00	00	43
	107/7	00	01	02
	107/8	00	03	12
	107/9	00	02	45
	107/10	00	00	81
	107/12	00	04	79
	107/13	00	07	54
	107/14	00	05	58
	107/15	00	01	37
	107/16	00	06	40
	107/17	00	04	05
	107/18	00	02	64
	107/19	00	02	07
	109/1	00	02	34
	103/19	00	00	10
	103/20	00	01	11
	103/22	00	01	94
	103/24	00	03	72
	97	00	40	50
	98	00	16	59
	96	00	39	68
	95	00	39	05
	92	00	27	36
3) सन्तानगोपालपूरम	182/5	00	01	31
	184/4	00	06	12
	184/5	00	05	78
	184/6	00	00	36
	182/4	00	19	81
	182/3	00	00	10
	183/23	00	03	52
	183/20	00	08	01
	183/17वी	00	01	85
	183/16	00	03	33
	183/15	00	02	30
	183/14	00	05	79
	183/13	00	00	46

1	2	3	4	5
3) सन्तानगोपालपूरम (निरंतर)	183/12	00	13	86
	183/11	00	00	10
	183/4सी	00	03	37
	183/7	00	02	60
	183/8	00	00	96
	183/6	00	02	36
	183/4ए	00	01	24
	183/1	00	00	29
	183/5	00	09	74
	167/15ए	00	01	35
	167/15बी	00	04	67
	167/15सी	00	03	32
	167/14	00	05	13
	167/13	00	04	43
	167/12	00	06	84
	166/1ए3	00	00	86
	167/11	00	00	58
	167/10बी	00	02	11
	167/10ए	00	00	91
	167/9	00	03	29
	167/8	00	03	85
	167/7	00	02	08
	167/5	00	01	81
	167/6	00	12	91
	169/6बी	00	05	38
	169/6सी	00	04	31
	169/6ए	00	02	66
	169/7	00	04	39
	164/2	00	05	46
	164/1	00	07	13
	169/9	00	08	59
	169/11	00	02	30
	169/10सी	00	03	67
	169/10ए	00	02	49
	169/10बी	00	07	56
	163	00	05	10
	158/11	00	01	02
	158/12	00	01	66
	158/13	00	00	62
	158/14	00	04	71
	158/15	00	03	69

1	2	3	4	5
3) सन्तानगोपालपूरम (निरंतर)	158/16	00	01	75
	158/17वी	00	00	17
	158/18	00	06	87
	159/15	00	00	35
	159/13	00	00	23
	159/8	00	01	14
	159/7	00	01	96
	159/6	00	03	16
	159/5	00	00	10
	159/1	00	03	24
	156	00	00	20
	155/21	00	02	62
	155/20	00	03	91
	155/13	00	00	10
	155/14	00	01	27
	155/15	00	09	17
	155/22	00	00	10
	155/19	00	01	12
	155/12	00	00	95
	155/18	00	00	99
	155/9	00	01	44
	155/8	00	01	46
	155/5	00	00	10
	155/6	00	06	30
	155/2	00	00	35
	155/7	00	01	72
	155/16	00	00	12
	154/3	00	10	43
	155/1	00	01	88
	154/2	00	02	34
	154/1	00	00	71
	154/4	00	05	08
	154/5	00	01	62
	153/1	00	05	12
	153/4	00	00	64
	151/16	00	13	50
	149/7	00	00	93
	149/8	00	04	27
	149/10	00	00	10
	149/6	00	04	70
	149/5	00	00	61

1	2	3	4	5
3) सन्तानगोपालपूरम (निरंतर)	149/13	00	01	50
	149/14	00	09	51
	149/16	00	11	18
	149/17	00	05	62
	149/18	00	06	58
	149/19ए	00	03	21
	149/19वी	00	09	52
	149/20	00	00	10
	149/21ए2	00	04	50
	149/21ए1	00	22	53
	142	00	07	30
	148	01	94	63
4) अरूणगोलम	1	00	36	38
	2	00	06	80
	378/1	00	10	09
	378/2ए	00	20	84
	378/2सी	00	01	89
	378/2वी	00	03	96
5) तलावेडु	247	00	00	40
	249/1	00	05	04

[फा सं. एल.-14014/55/2011-जी.पी.]

ए. गोस्वामी, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 2nd January, 2012

S. O. 53.— Whereas it appears to Government of India that it is necessary in public interest that for transportation of natural gas from on-shore gas processing terminal at Kakinada on East coast of Andhra Pradesh of M/s Reliance Industries Limited to consumers in various parts of the country, Vijayawada – Nellore – Chennai pipeline should be laid by M/s Relogistics Infrastructure Limited;

And, whereas, it appears to Government of India that for the purpose of laying such pipeline, it is necessary to acquire the Right of User in land under which the said pipeline is proposed to be laid and which are described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), Government of India hereby declares its intention to acquire the Right of User therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of this notification as published in the Gazette of India under sub-section (1) of Section 3 of the said Act, are made available to the general public, object in writing to the acquisition of the Right of User therein for laying the pipeline under the land to Shri V.Venkatasubbu, Competent Authority, Relogistics Infrastructure Limited, No. 89, Dr. RadhaKrishnan Salai, 6th Floor, Mylapore, Chennai - 600004, Tamil Nadu State.

Schedule

Taluk: Tiruttani	District: Thiruvallur	State: Tamil Nadu		
Village	Survey No./Sub-Division No.	Area to be acquired for RoU		
		Hec	Are	C-Are
1	2	3	4	5
1) Chivvada	85	00	22	07
	79/3	00	27	96
	79/2	00	18	51
	80/6A	00	35	72
	81/5	00	01	90
	80/5	00	00	56
	80/4A	00	18	74
	80/2	00	00	10
	73/5	00	10	11
	73/4	00	03	26
	73/3	00	06	58
	73/2	00	12	50
	73/6	00	03	62
	73/1	00	04	75
	81/7	00	00	50
	89/1A	00	02	04
	89/1B	00	00	95
	72/13	00	03	97
	72/2A	00	14	45
	72/1G	00	00	70
	72/1F	00	02	40
	72/2B	00	07	56
	72/5E	00	00	72
	72/3	00	01	98
	72/5D	00	07	30
	72/5C	00	01	81
	72/5B	00	00	21
	72/6	00	08	80
	72/7C	00	00	72
	72/7B	00	01	87
	72/7A	00	03	75
	70/12	00	00	10
	68/27	00	03	55
	68/28B	00	02	25
	68/28C	00	01	51
	68/28D	00	05	58
	68/24	00	00	23

1	2	3	4	5
1) Chivvada (Contd)	68/9	00	00	10
	72/10A	00	00	28
	72/9A	00	03	00
	72/9B	00	01	55
	72/8	00	05	71
	69/7	00	00	65
	69/3	00	05	43
	69/1	00	03	46
	69/2	00	10	31
	92	00	15	41
	134/6	00	01	38
	134/5	00	10	86
	134/3C	00	07	04
	134/3A	00	00	10
	134/3B	00	04	03
	134/4	00	04	68
	134/2	00	00	35
	133/1	00	01	65
	138/4	00	09	64
	138/5	00	00	39
	138/3	00	00	10
	138/6	00	08	15
	133/5	00	07	61
	138/7	00	04	03
	138/11	00	04	63
	138/12	00	02	11
	138/13	00	01	42
	138/10B	00	16	58
	138/10A	00	10	21
	138/9B	00	00	10
	139/1	00	04	06
	140/12	00	11	24
	139/2	00	00	10
	140/13	00	02	03
	140/14	00	01	30
	140/15B	00	06	53
	140/25	00	01	82
	140/24	00	03	67
	140/15A	00	00	60
	140/22	00	01	31
	140/23	00	01	55

1	2	3	4	5
[illegible] (Contd)	[illegible]	00	02	13
	[illegible]	00	01	57
	160/2	00	10	21
	160/1	00	14	85
	161	00	04	67
	162/5	00	06	07
	162/8	00	00	94
	162/4	00	14	08
	162/3	00	08	09
	162/2	00	00	44
	163/2A1	00	07	56
	163/2A2	00	15	06
	163/2B	00	03	83
	163/1	00	03	11
	156/17	00	01	60
	156/18	00	07	90
	156/19B	00	07	17
	156/19A	00	00	10
	156/20	00	07	39
	156/21	00	01	04
	156/22	00	11	44
	156/23	00	07	37
	[illegible]	00	02	77
	[illegible]	00	00	10
	[illegible]	00	00	62
	[illegible]	00	04	73
	[illegible]	00	02	89
	[illegible]	00	11	68
	[illegible]	00	00	10
	[illegible]	00	00	96
	166/20	00	05	45
	166/21	00	06	16
	166/22	00	00	33
	[illegible]	00	00	10
	[illegible]	00	09	12
	[illegible]	00	07	52
	[illegible]	00	10	39
	[illegible]	00	00	28
	[illegible]	00	15	34
	[illegible]	00	00	33
	[illegible]	00	02	66

[illegible] (Contd)

1	2	3	4	5
1) Chivvada (Contd)	251/3	00	05	73
	251/4	00	07	73
	250/1	00	16	80
	250/8	00	03	70
	249/13	00	00	57
	249/14	00	09	61
	249/19	00	10	69
	249/20A	00	05	18
	230	00	11	63
	229/7	00	06	22
	229/8	00	03	77
	229/6	00	02	32
	229/5	00	02	66
	229/4C	00	01	53
	229/4D	00	05	43
	229/4B	00	00	35
	228/14	00	01	23
	228/8A	00	09	73
	228/8B	00	05	40
	228/13	00	10	87
	228/12	00	02	13
	228/9	00	08	16
	228/10	00	00	10
	228/7A	00	07	32
	228/7B	00	03	74
	228/6	00	[illegible]	10
	235/2	00	01	72
	222	00	40	06
2) Nemili	29	00	73	32
	217	00	01	71
	30/2	00	01	05
	216	00	26	71
	215/10	00	00	10
	215/1D	00	16	61
	215/1C	00	03	42
	215/1E	00	09	49
	215/2A	00	03	95
	215/2C	00	03	13
	213/1	00	03	40
	213/2	00	08	76
	212/4	00	13	46

1	2	3	4	5
2) Nemili (Contd)	212/6	00	28	79
	212/5	00	35	32
	212/1	00	02	83
	210/5	00	13	55
	210/7A1	00	16	58
	210/8	00	00	91
	199	00	07	67
	188/2A	00	19	65
	188/1	00	06	89
	189/6	00	09	79
	189/9A	00	00	42
	189/9B	00	05	71
	189/16	00	01	12
	189/10	00	08	89
	189/15	00	08	47
	189/14	00	00	10
	189/13	00	06	14
	189/11C	00	03	88
	189/12C	00	03	53
	189/11B	00	00	84
	189/12B	00	02	88
	190/1	00	21	67
	190/6	00	00	43
	190/5	00	06	46
	190/2	00	05	25
	190/3	00	04	30
	190/4	00	04	64
	191/1	00	10	49
	169/8	00	00	10
	169/9	00	06	31
	169/12	00	21	19
	169/11	00	01	59
	168/19	00	00	10
	168/20	00	00	06
	192/2	00	04	73
	192/3	00	00	10
	192/1	00	02	58
	166	00	12	05
	157/6	00	06	83
	157/8	00	06	61
	157/10	00	02	67

1	2	3	4	5
2) Nemili (Contd)	157/11	00	00	84
	157/12	00	00	30
	157/13	00	04	07
	157/14	00	01	92
	157/15	00	02	54
	157/16	00	01	68
	157/17	00	02	06
	156/1	00	03	27
	156/2	00	02	27
	156/3	00	03	38
	156/4	00	07	04
	156/5	00	03	08
	156/6	00	00	32
	156/7	00	00	17
	156/9	00	01	33
	114/10	00	01	31
	114/13	00	03	61
	115/2	00	11	20
	115/3	00	03	75
	115/4	00	09	81
	115/5	00	01	53
	115/6	00	03	05
	115/7	00	03	95
	115/8	00	03	63
	115/9	00	00	52
	115/10	00	04	90
	115/11	00	00	74
	116	00	28	25
	113/15	00	03	66
	113/16	00	02	82
	113/19	00	03	16
	113/20	00	03	49
	113/21A	00	01	60
	113/21B	00	05	23
	112/1	00	07	17
	112/6	00	00	44
	112/7A	00	00	10
	111/2	00	01	65
	108/6	00	00	10
	108/8	00	00	32
	108/9	00	00	66

1	2	3	4	5
(Contd.)	108/10	00	02	13
	108/11A	00	01	68
	108/11B	00	01	71
	108/12	00	09	32
	108/13	00	04	42
	108/14	00	00	43
	107/7	00	01	02
	107/8	00	03	12
	107/9	00	02	45
	107/10	00	00	81
	107/12	00	04	79
	107/13	00	07	54
	107/14	00	05	58
	107/15	00	01	37
	107/16	00	06	40
	107/17	00	04	05
	107/18	00	02	64
	107/19	00	02	07
	109/1	00	02	34
	103/19	00	00	10
	103/20	00	01	11
	103/22	00	01	94
	103/24	00	03	72
	97	00	40	50
	98	00	16	59
	96	00	39	68
	95	00	39	05
	92	00	27	36
Gopalapuram	182/5	00	01	31
	184/4	00	06	12
	184/5	00	05	78
	184/6	00	00	36
	182/4	00	19	81
	182/3	00	00	10
	183/23	00	03	52
	183/20	00	08	01
	183/17B	00	01	85
	183/16	00	03	33
	183/15	00	02	30
	183/14	00	05	79
	183/13	00	00	46

1	2	3	4	5
31 Santhanagopalapuram (Contd)	183/12	00	13	86
	183/11	00	00	10
	183/4C	00	05	37
	183/7	00	02	69
	183/8	00	00	96
	183/6	00	02	36
	183/4A	00	01	24
	183/1	00	00	47
	183/5	00	09	74
	167/15A	00	01	35
	167/15B	00	04	67
	167/15C	00	02	39
	167/14	00	05	15
	167/13	00	04	43
	167/12	00	06	84
	166/1A3	00	00	38
	167/11	00	00	58
	167/10B	00	02	41
	167/10A	00	00	01
	167/9	00	02	29
	167/8	00	03	85
	167/7	00	02	08
	167/5	00	01	81
	167/6	00	12	21
	169/6B	00	05	38
	169/6C	00	04	31
	169/6A	00	02	66
	169/7	00	04	39
	164/2	00	05	46
	164/1	00	07	15
	169/9	00	08	59
	169/11	00	02	30
	169/10C	00	03	67
	169/10A	00	02	49
	169/10B	00	07	56
	163	00	05	10
	158/11	00	01	02
	158/12	00	01	66
	158/13	00	00	62
	158/14	00	04	71
	158/15	00	03	69

1	2	3	4	5
31 Santhanagopalapuram (Contd)	158/16	00	01	75
	158/17B	00	00	17
	158/18	00	06	87
	159/15	00	00	35
	159/13	00	00	23
	159/8	00	01	14
	159/7	00	01	96
	159/6	00	03	16
	159/5	00	00	10
	159/1	00	03	24
	156	00	00	20
	155/21	00	02	62
	155/20	00	03	91
	155/13	00	00	10
	155/14	00	01	27
	155/15	00	09	17
	155/22	00	00	10
	155/19	00	01	12
	155/12	00	00	95
	155/18	00	00	99
	155/9	00	01	44
	155/8	00	01	46
	155/5	00	00	10
	155/6	00	06	30
	155/2	00	00	35
	155/7	00	01	72
	155/16	00	00	12
	154/3	00	10	43
	155/1	00	01	88
	154/2	00	02	34
	154/1	00	00	71
	154/4	00	05	08
	154/5	00	01	62
	153/1	00	05	12
	153/4	00	00	64
	151/16	00	13	50
	149/7	00	00	93
	149/8	00	04	27
	149/10	00	00	10
	149/6	00	04	70
	149/5	00	00	61

1	2	3	4	5
3) Santhanagopalapuram (Contd)	149/13	00	01	50
	149/14	00	09	51
	149/16	00	11	18
	149/17	00	05	62
	149/18	00	06	58
	149/19A	00	03	21
	149/19B	00	09	52
	149/20	00	00	10
	149/21A2	00	04	50
	149/21A1	00	22	53
	142	00	07	30
	148	01	94	63
4) Arungolam	1	00	36	38
	2	00	06	80
	378/1	00	10	09
	378/2A	00	20	84
	378/2C	00	01	89
	378/2B	00	03	96
5) Thalavedu	247	00	00	40
	249/1	00	05	04

[F. No. L-14014/55/2011-G.P.]

A. GOSWAMI, Under Secy.

नई दिल्ली, 3 जनवरी, 2012

का. आ. 54.—भारत सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 2740(अ) तारीख 28 नवंबर, 2011 के साथ पठित अधिसूचना संख्या का.आ. 165 तारीख 11 जनवरी, 2011 द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में, मैसर्स रिलाएंस इन्डस्ट्रीज लिमिटेड के आन्ध्र प्रदेश में पूर्वी तट पर ऑनशोर टरमिनल से देश के विभिन्न हिस्सों में उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए, मैसर्स रिलोजिस्टिक्स इन्फ्रास्ट्रक्चर लिमिटेड द्वारा काकीनाडा- वासुदेवपुर-हावडा गैस पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और, उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 19 अगस्त, 2011 को अथवा उससे पूर्व उपलब्ध करा दी गई थीं ;

और, पाइपलाइन बिछाने के सम्बन्ध में, जनता की ओर से कोई आक्षेप प्राप्त नहीं हुआ है;

और, सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन भारत सरकार को अपनी रिपोर्ट दे दी है ;

और, भारत सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह संतुष्ट हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चिय किया है ;

अतः, अब, भारत सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और, भारत सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस अधिसूचना के प्रकाशन की तारीख से भारत सरकार में निहित होने के बजाए, सभी विल्लंगमों से मुक्त, मैसर्स रिलायंस इंडस्ट्रीज लिमिटेड में निहित होगा।

अनुसूची

मंडल/ तहसील/ तालुक : अठागढ	जिला :कटक	राज्य :ओडिशा		
गाँव का नाम	सर्वे सं/सब डिविजन सं.	आर.ओ.यू. अर्जित करने के लिए क्षेत्रफल		
		हेक्टेयर	एयर	सि.एयर
1	2	3	4	5
1) ब्रहमना बस्ता	329	00	14	98
	331	00	06	70
	332	00	02	67
	335	00	02	42
	336	00	04	69
	338	00	11	86
	339	00	05	57
	342	00	05	93
	343	00	15	26
	309	00	15	07
	303	00	11	46
	294	00	00	29
	293	00	01	82
	283	00	19	56
	281	00	02	31
	279	00	07	84
	280	00	05	45
	277	00	00	10
	268	00	34	68
	265	00	21	48
	424	00	01	55
	430	00	02	90
	427	00	13	68
	429	00	03	13
	428	00	05	51
	478	00	06	58
	476	00	03	31
	477	00	23	43
	474	00	01	78
	483	00	10	05
	484	00	12	14
	693	00	08	66
	692	00	11	88
	690	00	28	53
	689	00	05	95
2) दामनपुर	171	00	26	86
	64	00	02	29

1	2	3	4	5
2) वामनपुर (निरंतर)	53	00	02	25
	51	00	04	88
	21	00	21	65
	6	00	26	05
मंडल/ तेहसिल/ तालुक ः टंगी चौडवार	जिला ःकटक	राज्य ःओडिशा		
1) करंजी	1456	00	05	67
	1473	00	03	67
	1472	00	24	96
	1471	00	06	51
	1469	00	14	21
	1503	00	06	55
	1546	00	08	38
	1505	00	08	84
	1538	00	05	56
	1540	00	00	30
	1537	00	06	90
	1536	00	18	73
	1560	00	04	19
	1558	00	09	18
	1589	00	02	86
	1592	00	04	55
	1594	00	12	07
	1595	00	02	57
	1596	00	00	20
	1584	00	04	94
	1583	00	00	42
	379	00	12	56
	388	00	09	84
	387	00	04	53
	390	00	06	61
	375	00	04	49
	417	00	00	99
	416	00	00	10
	426	00	00	10
	263	00	44	07
	294	00	01	77
	300	00	12	70
	299	00	00	94
	301	00	00	26
	167	00	08	11
	160	00	06	90
	161	00	05	37
	157	00	02	40

1	2	3	4	5
1) करंजी (निरंतर)	151	00	04	85
	150	00	00	45
	149	00	00	10
	145	00	04	56
	125	00	01	56
	128	00	01	13
मंडल/ तेहसिल/ तालुक ः रसुलपुर	जिला ःजाजपुर	राज्य ःओडिशा		
1) दरकुंडी	1402	00	01	70
	1403	00	05	39
	1404	00	08	66
	1405	00	00	30
	1401	00	03	31
	1358	00	00	85
	1357	00	08	04
	1360	00	02	04
	1361	00	05	21
	1353	00	02	67
	1352	00	00	10
	1362	00	01	07
	1350	00	03	80
	1335	00	00	68
	1337	00	01	55
	1347	00	07	37
	1348	00	04	02
	1340	00	01	56
	1345	00	02	48
	1344	00	01	67
	1343	00	01	79
	1342	00	01	12
	1341	00	01	56
	741	00	00	87
	740	00	14	05
	739	00	01	17
	737	00	02	77
	729	00	02	45
2) मसुरपुर	126	00	00	54
	125	00	00	96
	108	00	00	80
	107	00	00	53
	106	00	02	60
	102	00	00	11
	109	00	00	10
	105	00	00	99

1	2	3	4	5
2) मधुरपुर (निरंतर)	103	00	01	07
	101	00	00	10
	104	00	00	95
	114	00	00	10
	100	00	01	00
	115	00	03	70
	99	00	12	06
	93	00	03	30
	98	00	04	21
	97	00	03	23
	96	00	05	16
मंडल/ तेहसिल/ तालुक ः व्यासनगर	जिला ःजाजपुर	राज्य ःओडिशा		
1) नरपदा	1536	00	02	98
	1535	00	05	53
	1548	00	00	10
	1547	00	05	04
	1552	00	06	01
	1555	00	04	37
	1554	00	03	23
	1561	00	05	75
	1560	00	06	01
	1568	00	10	61
	1567	00	00	45
	1577	00	06	25
	1578	00	09	38
	1588	00	06	40
	1589	00	09	13
	1606	00	04	71
	1607	00	00	10
	1608	00	00	10
	1488	00	04	80
	1489	00	00	34
	1487	00	10	55
	1464	00	02	60
	1468	00	04	23
	1466	00	01	54
	1467	00	02	87
	1469	00	00	10
	1470	00	01	54
	1457	00	02	29
	1446	00	13	83
	1445	00	16	45
	1429	00	00	41

1	2	3	4	5
1) नरपदा (निरंतर)	1431	00	20	89
	1430	00	01	20
	1406	00	01	66
	1271	00	00	84
	1404	00	03	19
	1405	00	00	99
	1403	00	01	88
	1272	00	01	04
	1402	00	02	25
	1389	00	04	63
	1273	00	04	16
	1274	00	04	36
	1289	00	00	45
	1387	00	03	56
	1385	00	00	72
	1293	00	02	45
	1298	00	00	71
	1290	00	00	27
	1292	00	01	72
	1294	00	00	96
	1296	00	01	62
	1295	00	01	37
	1291	00	00	99
	1299	00	00	10
	675	00	05	76
	1287	00	08	84
	1286	00	00	84
	676	00	02	89
	712	00	00	58
	677	00	02	66
	678	00	01	81
	679	00	00	10
	711	00	09	95
	718	00	03	63
	710	00	00	22
	719	00	10	20
	724	00	00	10
	723	00	07	46
	721	00	00	10
	726	00	02	08
	729	00	03	05
	741	00	00	85

1	2	3	4	5
1) नरपदा (निरंतर)	739	00	04	67
	742	00	06	33
	753	00	01	58
	752	00	00	10
	754	00	07	21
	755	00	07	32
	758	00	00	15
	766	00	00	82
	765	00	01	07
	764	00	01	49
	762	00	01	37
	763	00	00	42
	761	00	01	91
	760	00	00	76
	759	00	00	10
	767	00	05	69
	786	00	01	02
	394	00	04	70
	396	00	03	70
	397	00	05	79
	386	00	28	76
	385	00	00	26
	384	00	05	62
	383	00	00	45
	246	00	00	29
	247	00	12	60
	279	00	12	37
	280	00	07	80
	283	00	03	14
	284	00	23	82
	299	00	05	09
	298	00	00	40
	285	00	01	56
	297	00	05	96
	288	00	00	49
	296	00	04	51
	289	00	02	12
	291	00	01	15
2) मोहमद जमलपुर	209	00	14	99
	315	00	10	22
	499	00	00	10
	536	00	00	59

1	2	3	4	5
2) मोहमद जमलपुर (निरंतर)	721	00	11	32
	724	00	00	62
	735	00	02	39
	736	00	29	01
	738	00	07	64
3) धनापुर	2531	00	02	14
	2525	00	15	09
	2522	00	06	50
	2523	00	03	70
	2515	00	25	48
	2512	00	03	09
	2511	00	06	56
	2510	00	08	42
	2507	00	02	52
4) ताजपुर	1223	00	05	14
	1222	00	06	96
	1225	00	01	08
	1221	00	04	88
	1216	00	02	12
	1218	00	00	89
	1202	00	08	58
	1203	00	04	66
	1204	00	03	98
	1205	00	01	16
	1196	00	01	20
	1195	00	00	10
	1194	00	10	07
	1191	00	11	95
	1192	00	16	24
	1255	00	02	45
	1175	00	16	62
	1177	00	00	13
	1174	00	00	59
	1173	00	02	88
	1172	00	08	41
	1059	00	00	80
	1060	00	14	30
	1162	00	02	05
	1061	00	02	72
	1057	00	15	12
	1056	00	00	10
	1038	00	00	19

1	2	3	4	5
4) ताजपुर (निरंतर)	1055	00	17	11
	1054	00	01	74
	1053	00	00	21
	1052	00	13	15
	1051	00	05	49
	1085	00	02	58
	1050	00	02	70
	1088	00	00	86
	1087	00	03	42
	1048	00	01	12
	1089	00	10	37
	1090	00	16	32
	1103	00	15	26
	1104	00	03	24
	1102	00	04	38
	1101	00	02	77
	1112	00	01	14
	570	00	04	65
	568	00	05	86
	569	00	04	98
	396	00	10	94
	395	00	00	28
	397	00	04	45
	406	00	00	81
	403	00	00	10
	401	00	07	31
	402	00	02	37
	400	00	03	94
	399	00	00	14
	415	00	05	75
	417	00	00	03
5) खसागाडिया	386	00	01	78
	384	00	02	41
	388	00	00	20
	385	00	02	79
	387	00	03	59
	389	00	00	10
	380	00	10	43
	379	00	06	98
	375	00	02	41
	373	00	00	17
	376	00	04	86

1	2	3	4	5
5) खसागाडिया (निरंतर)	378	00	07	25
	370	00	03	96
	358	00	23	25
	348	00	02	15
	354	00	03	05
	349	00	27	28
	350	00	01	01
	274	00	03	30
	273	00	19	25
	270	00	00	24
	265	00	00	21
	264	00	03	06
	263	00	01	44
	262	00	06	11
	261	00	09	44
	260	00	01	44
	246	00	04	79
	253	00	00	65
	252	00	00	83
6) खोसलपुर	38	00	05	83
	41	00	08	86
	42	00	06	16
	43	00	08	71
	46	00	00	10
	47	00	03	71
	24	00	16	55
	121	00	02	44
	122	00	06	99
	131	00	08	45
	124	00	01	04
	132	00	02	52
	130	00	07	71
	128	00	01	09
	125	00	00	10
	127	00	01	44
	135	00	01	17
	137	00	07	27
	219	00	25	81
	216	00	01	36
	217	00	15	15
	214	00	00	10
	218	00	09	29

1	2	3	4	5
6) खोसलपुर (निरंतर)	313	00	01	64
	312	00	01	27
	311	00	00	10
	314	00	02	25
	317	00	07	78
	319	00	09	78
	316	00	00	35
	309	00	00	10
	320	00	11	66
	321	00	19	57
	325	00	04	39
	326	00	05	69
	344	00	02	64
	345	00	16	94
	348	00	04	68
	347	00	10	04
7) बर्तमणा	2105	00	08	66
	2103	00	13	39
	2104	00	17	54
	2071	00	02	21
8) राणीगोरा	857	00	16	02
	856	00	03	41
	855	00	01	88
	841	00	00	58
	854	00	02	56
	853	00	01	87
	842	00	00	21
	843	00	07	08
	852	00	00	10
	844	00	04	04
	839	00	00	40
	675	00	14	36
	676	00	02	19
	672	00	00	10
	677	00	07	50
	669	00	07	99
	668	00	02	91
	666	00	03	73
	660	00	03	11
	664	00	04	14
	691	00	10	11
	692	00	08	13

1	2	3	4	5
8) राणीगोरा (निरंतर)	597	00	14	71
	593	00	05	78
	599	00	01	04
	591	00	00	10
	592	00	02	40
	600	00	03	52
	553	00	01	37
	540	00	06	00
	539	00	05	66
	537	00	04	62
	536	00	14	72
	535	00	00	10
	471	00	01	62
	464	00	05	54
	462	00	01	65
	465	00	01	31
	466	00	01	29
	468	00	02	13
	449	00	01	28
	469	00	02	91
	436	00	04	44
	429	00	00	61
	383	00	00	95
	370	00	00	40
	367	00	01	49
	308	00	08	01
	306	00	13	01
	302	00	00	39
	303	00	06	58
9) भकंडरी	1149	00	00	92
	1150	00	00	24
	1155	00	03	30
	1154	00	02	58
	1140	00	02	86
	1178	00	00	16
	1179	00	02	68
	1180	00	11	66
	1026	00	02	35
	1022	00	03	05
	1021	00	00	55
	1008	00	02	91
	1007	00	02	45

1	2	3	4	5
9) भकंडरी (निरंतर)	970	00	07	65
	981	00	01	10
	980	00	05	79
	983	00	3	97
	985	00	1	50
	989	00	1	47
	883	00	03	95
	990	00	01	29
	881	00	09	87
	340	00	03	07
	876	00	02	24
	381	00	19	01
10) रंगारंगा	649	00	11	01
	1117	00	00	10
	1099	00	03	96
	1097	00	04	14
	1100	00	01	82
	1095	00	05	17
	1102	00	07	09
	1104	00	11	19
	2003	00	00	37
	2004	00	01	14
	2007	00	01	73
	2008	00	06	44
	2006	00	01	76
	2005	00	01	76
	2010	00	07	27
	2014	00	05	38
	2018	00	07	76
	2031	00	01	99
	2019	00	00	10
	2030	00	06	29
	2029	00	07	10
	2028	00	06	65
	2022	00	00	30
	2027	00	10	46
	2026	00	00	92
	2103	00	02	69
	2104	00	02	52
	2102	00	04	31
	2106	00	01	26
	2249	00	07	10

1	2	3	4	5
10) रंगारंगा (निरंतर)	2250	00	00	10
	2248	00	06	59
	2115	00	00	27
	2125	00	03	09
	2131	00	04	18
	2133	00	01	52
	2132	00	06	03
	2136	00	05	85
	2139	00	06	77
	2138	00	12	24
	2137	00	00	01
	2155	00	08	70
	2156	00	00	57
	2201	00	06	57
	2200	00	00	55
	2198	00	09	78
11) श्रीकरपुर	127	00	00	85
	128	00	14	76
	129	00	00	10
	121	00	02	40
	119	00	07	32
	118	00	08	01

[फा.सं. एल.-14014/113/2010-जी.पी.]

ए. गोस्वामी, अवर सचिव

New Delhi, the 3rd January, 2012

S. O. 54.— Whereas by notification of Government of India in Ministry of Petroleum and Natural Gas number S.O. 165 dated 11th January, 2011, read with their notification number S.O. 2740(E) dated 28th November, 2011, issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), Government of India declared its intention to acquire the Right of User in land, specified in the Schedule appended to that notification for the purpose of laying Kakinada-Basudebpur-Howrah gas pipeline for transportation of natural gas from onshore terminal at East coast of Andhra Pradesh of M/s Reliance Industries Limited by M/s Relogistics Infrastructure Limited to the consumers in various parts of the country;

And whereas, the copies of the said Gazette notification were made available to the public on or before 19th August, 2011;

And whereas, no objections were received from the public to the laying of the pipeline;

And whereas, the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government of India;

And whereas, Government of India, after considering the said report and on being satisfied that the said land is required for laying the pipeline, have decided to acquire the Right of User therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, Government of India hereby declare that the Right of User in the land, specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, Government of India hereby direct that the Right of User in the said land for laying the pipeline shall, instead of vesting in Government of India, vest on the date of publication of the declaration, in M/s Relogistics Infrastructure Limited, free from all encumbrances.

Schedule

Mandal/Tehsil/Taluk:Athagad	District:Cuttack	State:Orissa		
Village	Survey No./Sub-Division No.	Area to be acquired for RoU		
		Hec	Are	C-Are
1	2	3	4	5
1) Brahmana Basta	329	00	14	98
	331	00	06	70
	332	00	02	67
	335	00	02	42
	336	00	04	69
	338	00	11	86
	339	00	05	57
	342	00	05	93
	343	00	15	26
	309	00	15	07
	308	00	11	46
	294	00	00	29
	293	00	01	82
	283	00	19	56
	281	00	02	31
	279	00	07	84
	280	00	05	45
	277	00	00	10
	268	00	34	68
	265	00	21	48
	424	00	01	55
	430	00	02	90
	427	00	13	68
	429	00	03	13
	428	00	05	51
	478	00	06	58
	476	00	03	31
	477	00	23	43
	474	00	01	78
	483	00	10	05
	484	00	12	14
	693	00	08	66
	692	00	11	88
	690	00	28	53
	689	00	05	95
2) Bamanapur	171	00	26	86
	64	00	02	29

1	2	3	4	5
2) Bamanapur (Contd)	53	00	02	25
	51	00	04	88
	21	00	21	65
	6	00	26	05
Mandal/Tehsil/Taluk:Tangi-Chowdwar	**District:Cuttack**		**State:Orissa**	
1) Karanji	1456	00	05	67
	1473	00	03	67
	1472	00	24	96
	1471	00	06	51
	1469	00	14	21
	1503	00	06	55
	1546	00	08	38
	1505	00	08	84
	1538	00	05	56
	1540	00	00	30
	1537	00	06	90
	1536	00	18	73
	1560	00	04	19
	1558	00	09	18
	1589	00	02	86
	1592	00	04	55
	1594	00	12	07
	1595	00	02	57
	1596	00	00	20
	1584	00	04	94
	1583	00	00	42
	379	00	12	56
	388	00	09	84
	387	00	04	53
	390	00	06	61
	375	00	04	49
	417	00	00	99
	416	00	00	10
	426	00	00	10
	263	00	44	07
	294	00	01	77
	300	00	12	70
	299	00	00	94
	301	00	00	26
	167	00	08	11
	160	00	06	90
	161	00	05	37
	157	00	02	40

1	2	3	4	5
1) Karanji (Contd)	151	00	04	85
	150	00	00	45
	149	00	00	10
	145	00	04	56
	125	00	01	56
	128	00	01	13
Mandal/Tehsil/Taluk:Rasulpur	**District:Jajapur**	**State:Orissa**		
1) Darkundi	1402	00	01	70
	1403	00	05	39
	1404	00	08	66
	1405	00	00	30
	1401	00	03	31
	1358	00	00	85
	1357	00	08	04
	1360	00	02	04
	1361	00	05	21
	1353	00	02	67
	1352	00	00	10
	1362	00	01	07
	1350	00	03	80
	1335	00	00	68
	1337	00	01	55
	1347	00	07	37
	1348	00	04	02
	1340	00	01	56
	1345	00	02	48
	1344	00	01	67
	1343	00	01	79
	1342	00	01	12
	1341	00	01	56
	741	00	00	87
	740	00	14	05
	739	00	01	17
	737	00	02	77
	729	00	02	45
2) Masurpur	126	00	00	54
	125	00	00	96
	108	00	00	80
	107	00	00	53
	106	00	02	60
	102	00	00	11
	109	00	00	10
	105	00	00	99

1	2	3	4	5
2) Masurpur (Contd)	103	00	01	07
	101	00	00	10
	104	00	00	95
	114	00	00	10
	100	00	01	00
	115	00	03	70
	99	00	12	06
	93	00	03	30
	98	00	04	21
	97	00	03	23
	96	00	05	16
Mandal/Tehsil/Taluk:Vyasanagar	**District:Jajapur**	**State:Orissa**		
1) Narpada	1536	00	02	98
	1535	00	05	53
	1548	00	00	10
	1547	00	05	04
	1552	00	06	01
	1555	00	04	37
	1554	00	03	23
	1561	00	05	75
	1560	00	06	01
	1568	00	10	61
	1567	00	00	45
	1577	00	06	25
	1578	00	09	38
	1588	00	06	40
	1589	00	09	13
	1606	00	04	71
	1607	00	00	10
	1608	00	00	10
	1488	00	04	80
	1489	00	00	34
	1487	00	10	55
	1464	00	02	60
	1468	00	04	23
	1466	00	01	54
	1467	00	02	87
	1469	00	00	10
	1470	00	01	54
	1457	00	02	29
	1446	00	13	83
	1445	00	16	45
	1429	00	00	41

1	2	3	4	5
1) Narpada (Contd)	1431	00	20	89
	1430	00	01	20
	1406	00	01	66
	1271	00	00	84
	1404	00	03	19
	1405	00	00	99
	1403	00	01	88
	1272	00	01	04
	1402	00	02	25
	1389	00	04	63
	1273	00	04	16
	1274	00	04	36
	1289	00	00	45
	1387	00	03	56
	1385	00	00	72
	1293	00	02	45
	1298	00	00	71
	1290	00	00	27
	1292	00	01	72
	1294	00	00	96
	1296	00	01	62
	1295	00	01	37
	1291	00	00	99
	1299	00	00	10
	675	00	05	76
	1287	00	08	84
	1286	00	00	84
	676	00	02	89
	712	00	00	58
	677	00	02	66
	678	00	01	81
	679	00	00	10
	711	00	09	95
	718	00	03	63
	710	00	00	22
	719	00	10	20
	724	00	00	10
	723	00	07	46
	721	00	00	10
	726	00	02	08
	729	00	03	05
	741	00	00	85

1	2	3	4	5
1) Narpada (Contd)	739	00	04	67
	742	00	06	33
	753	00	01	58
	752	00	00	10
	754	00	07	21
	755	00	07	32
	758	00	00	15
	766	00	00	82
	765	00	01	07
	764	00	01	49
	762	00	01	37
	763	00	00	42
	761	00	01	91
	760	00	00	76
	759	00	00	10
	767	00	05	69
	786	00	01	02
	394	00	04	70
	396	00	03	70
	397	00	05	79
	386	00	28	76
	385	00	00	26
	384	00	05	62
	383	00	00	45
	246	00	00	29
	247	00	12	60
	279	00	12	37
	280	00	07	80
	283	00	03	14
	284	00	23	82
	299	00	05	09
	298	00	00	40
	285	00	01	56
	297	00	05	96
	288	00	00	49
	296	00	04	51
	289	00	02	12
	291	00	01	15
2) Mahamad Jamalpur	209	00	14	99
	315	00	10	22
	499	00	00	10
	536	00	00	59

1	2	3	4	5
2) Mahamad Jamalpur (Contd)	721	00	11	32
	724	00	00	62
	735	00	02	39
	736	00	29	01
	738	00	07	64
3) Dhanapur	2531	00	02	14
	2525	00	15	09
	2522	00	06	50
	2523	00	03	70
	2515	00	25	48
	2512	00	03	09
	2511	00	06	56
	2510	00	08	42
	2507	00	02	52
4) Tajapur	1223	00	05	14
	1222	00	06	96
	1225	00	01	08
	1221	00	04	88
	1216	00	02	12
	1218	00	00	89
	1202	00	08	58
	1203	00	04	66
	1204	00	03	98
	1205	00	01	16
	1196	00	01	20
	1195	00	00	10
	1194	00	10	07
	1191	00	11	95
	1192	00	16	24
	1255	00	02	45
	1175	00	16	62
	1177	00	00	13
	1174	00	00	59
	1173	00	02	88
	1172	00	08	41
	1059	00	00	80
	1060	00	14	30
	1162	00	02	05
	1061	00	02	72
	1057	00	15	12
	1056	00	00	10
	1038	00	00	19

1	2	3	4	5
4) Tajapur (Contd)	1055	00	17	11
	1054	00	01	74
	1053	00	00	21
	1052	00	13	15
	1051	00	05	49
	1085	00	02	58
	1050	00	02	70
	1088	00	00	86
	1087	00	03	42
	1048	00	01	12
	1089	00	10	37
	1090	00	16	32
	1103	00	15	26
	1104	00	03	24
	1102	00	04	38
	1101	00	02	77
	1112	00	01	14
	570	00	04	65
	568	00	05	86
	569	00	04	98
	396	00	10	94
	395	00	00	28
	397	00	04	45
	406	00	00	81
	403	00	00	10
	401	00	07	31
	402	00	02	37
	400	00	03	94
	399	00	00	14
	415	00	05	75
	417	00	00	03
5) Khasagaria	386	00	01	78
	384	00	02	41
	388	00	00	20
	385	00	02	79
	387	00	03	59
	389	00	00	10
	380	00	10	43
	379	00	06	98
	375	00	02	41
	373	00	00	17
	376	00	04	86

1	2	3	4	5
5) Khasagaria (Contd)	378	00	07	25
	370	00	03	96
	358	00	23	25
	348	00	02	15
	354	00	03	05
	349	00	27	28
	350	00	01	01
	274	00	03	30
	273	00	19	25
	270	00	00	24
	265	00	00	21
	264	00	03	06
	263	00	01	44
	262	00	06	11
	261	00	09	44
	260	00	01	44
	246	00	04	79
	253	00	00	65
	252	00	00	83
6) Khosalpur	38	00	05	83
	41	00	08	86
	42	00	06	16
	43	00	08	71
	46	00	00	10
	47	00	03	71
	24	00	16	55
	121	00	02	44
	122	00	06	99
	131	00	08	45
	124	00	01	04
	132	00	02	52
	130	00	07	71
	128	00	01	09
	125	00	00	10
	127	00	01	44
	135	00	01	17
	137	00	07	27
	219	00	25	81
	216	00	01	36
	217	00	15	15
	214	00	00	10
	218	00	09	29

1	2	3	4	5
6) Khosalpur (Contd)	313	00	01	64
	312	00	01	27
	311	00	00	10
	314	00	02	25
	317	00	07	78
	319	00	09	78
	316	00	00	35
	309	00	00	10
	320	00	11	66
	321	00	19	57
	325	00	04	39
	326	00	05	69
	344	00	02	64
	345	00	16	94
	348	00	04	68
	347	00	10	04
7) Bartamana	2105	00	08	66
	2103	00	13	39
	2104	00	17	54
	2071	00	02	21
8) Ranigora	857	00	16	02
	856	00	03	41
	855	00	01	88
	841	00	00	58
	854	00	02	56
	853	00	01	87
	842	00	00	21
	843	00	07	08
	852	00	00	10
	844	00	04	04
	839	00	00	40
	675	00	14	36
	676	00	02	19
	672	00	00	10
	677	00	07	50
	669	00	07	99
	668	00	02	91
	666	00	03	73
	660	00	03	11
	664	00	04	14
	691	00	10	11
	692	00	08	13

1	2	3	4	5
8) Ranigora (Contd)	597	00	14	71
	593	00	05	78
	599	00	01	04
	591	00	00	10
	592	00	02	40
	600	00	03	52
	553	00	01	37
	540	00	06	00
	539	00	05	66
	537	00	04	62
	536	00	14	72
	535	00	00	10
	471	00	01	62
	464	00	05	54
	462	00	01	65
	465	00	01	31
	466	00	01	29
	468	00	02	13
	449	00	01	28
	469	00	02	91
	436	00	04	44
	429	00	00	61
	383	00	00	95
	370	00	00	40
	367	00	01	49
	308	00	08	01
	306	00	13	01
	302	00	00	39
	303	00	06	58
9) Bhakandari	1149	00	00	92
	1150	00	00	24
	1155	00	03	30
	1154	00	02	58
	1140	00	02	86
	1178	00	00	16
	1179	00	02	68
	1180	00	11	66
	1026	00	02	35
	1022	00	03	05
	1021	00	00	55
	1008	00	02	91
	1007	00	02	45

1	2	3	4	5
9) Bhakandari (Contd)	970	00	07	65
	981	00	01	10
	980	00	05	79
	983	00	03	97
	985	00	04	50
	989	00	02	47
	883	00	03	95
	990	00	01	29
	881	00	08	87
	340	00	03	07
	876	00	02	24
	381	00	19	01
10) Rangaranga	649	00	11	01
	1117	00	00	10
	1099	00	03	96
	1097	00	04	14
	1100	00	01	82
	1095	00	05	17
	1102	00	07	09
	1104	00	11	19
	2003	00	00	37
	2004	00	01	14
	2007	00	01	73
	2008	00	06	44
	2006	00	01	76
	2005	00	01	76
	2010	00	07	27
	2014	00	05	38
	2018	00	07	76
	2031	00	01	99
	2019	00	00	10
	2030	00	06	29
	2029	00	07	10
	2028	00	06	65
	2022	00	00	30
	2027	00	10	46
	2026	00	00	92
	2103	00	02	69
	2104	00	02	52
	2102	00	04	31
	2106	00	01	26
	2249	00	07	10

1	2	3	4	5
10) Rangaranga (Contd)	2250	00	00	10
	2248	00	06	59
	2115	00	00	27
	2125	00	03	09
	2131	00	04	18
	2133	00	01	52
	2132	00	06	03
	2136	00	05	85
	2139	00	06	77
	2138	00	12	24
	2137	00	00	01
	2155	00	08	70
	2156	00	00	57
	2201	00	06	57
	2200	00	00	55
	2198	00	09	78
11) Shrikarpur	127	00	00	85
	128	00	14	76
	129	00	00	10
	121	00	02	40
	119	00	07	32
	118	00	08	01

[F. No. L-14014/113/2010-G.P.]

A. GOSWAMI, Under Secy.

नई दिल्ली, 3 जनवरी, 2012

का. आ. 55.—भारत सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 2740(अ) तारीख 28 नवंबर, 2011 के साथ पठित अधिसूचना संख्या का.आ. 166 तारीख 11 जनवरी, 2011 द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में, मैसर्स रिलाएंस इन्डस्ट्रीज लिमिटेड के आन्ध्र प्रदेश में पूर्वी तट पर ऑनशोर टरमिनल से देश के विभिन्न हिस्सों में उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए, मैसर्स रिलोजिस्टिक्स इन्फ्रास्ट्रक्चर लिमिटेड द्वारा काकीनाडा- बासुदेबपुर-हावडा गैस पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और, उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 19 अगस्त, 2011 को अथवा उससे पूर्व उपलब्ध करा दी गई थीं ;

और, पाइपलाइन बिछाने के सम्बन्ध में, जनता की ओर से काई आक्षेप प्राप्त नहीं हुआ है;

और, सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन भारत सरकार को अपनी रिपोर्ट दे दी है ;

और, भारत सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह संतुष्ट हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चिय किया है ;

अतः, अब, भारत सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और, भारत सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से भारत सरकार में निहित होने के बजाए, सभी विल्लंगमों से मुक्त, मैसर्स रिलोजिस्टिक्स इन्फ्रास्ट्रक्चर लिमिटेड में निहित होगा।

अनुसूची

मंडल/ तेहसिल/ तालुक ः धर्मशाला	जिला ःजाजपुर	राज्य ःओडिशा		
गाँव का नाम	सर्वे सं/सब डिविजन सं.	आर.ओ.यू.अर्जित करने के लिए क्षेत्रफल		
		हेक्टेयर	एयर	सि.एयर
1	2	3	4	5
1) गोवरेश्वर	565	00	02	20
	576	00	00	84
	574	00	00	25
	579	00	00	66
	572	00	02	31
	560	00	00	10
	559	00	06	40
	580	00	00	99
	558	00	02	43
	581	00	00	16
	547	00	00	10
	544	00	08	93
	539	00	01	16
2) बरडा	803	00	03	34
	870	00	12	29
	872	00	07	95
	903	00	12	04
	904	00	01	35
	905	00	13	23
	906	00	03	67
	925	00	01	85
	940	00	05	35
	926	00	10	83
	933	00	11	34
	932	00	06	80
	931	00	01	33
	1003	00	01	98
	1096	00	08	40
	1094	00	07	93
3) जामुझरी	243	00	00	89
	264	00	00	25
	246	00	18	80
	262	00	01	33
	266	00	02	60
	269	00	03	35
	270	00	01	20
	259	00	06	00

1	2	3	4	5
3) जामुझरी (निरंतर)	257	00	00	10
	277	00	06	24
	279	00	02	33
	276	00	03	08
	283	00	01	21
	281	00	02	91
	371	00	01	15
	309	00	00	79
	310	00	06	88
	311	00	12	00
	358	00	01	39
	324	00	00	27
	325	00	06	37
	327	00	00	20
	328	00	00	10
	326	00	07	15
	332	00	00	47
	330	00	03	51
	331	00	05	55
	335	00	07	78
	318	00	02	35
	336	00	04	76
	340	00	01	33
	339	00	02	64
4) रगडीपशी	905	00	00	11
	1449	00	06	03
	1462	00	03	17
	1463	00	00	10
	1461	00	12	65
	1460	00	02	93
	1454	00	02	43
	150/1397	00	00	56
	151/1398	00	15	00
	157/1405	00	05	76
	156/1404	00	11	25
	1403	00	03	54
	155/1402	00	05	79
	162/1410	00	13	31
	163/1411	00	00	21
	1340	00	03	40
	1341	00	00	14
	1249	00	03	77

1	2	3	4	5
4) रगडीपशी (निरंतर)	1252	00	01	35
	1244	00	07	74
	1243	00	04	90
	1242	00	02	26
	1241	00	04	52
	1240	00	00	88
) पुरुणीआ	26/54	00	06	31
	9/27	00	00	50
	15/33	00	19	80
) कुसनापासी	107/368	00	20	89
	108/369	00	00	91
	109/370	00	10	57
	110/371	00	03	32
	105/356	00	02	27
	106/359	00	00	18
	121/424	00	02	49
	342	00	01	02
	122/425	00	01	78
	132/438	00	02	42
	131/436	00	00	42
	125/428	00	01	84
	341	00	00	24
	126/429	00	00	99
	128/432	00	06	01
	431	00	00	10
	95/325	00	01	99
	144/520	00	06	13
	521	00	00	90
	145/523	00	07	10
	92/319	00	00	20
	317	00	00	88
	534	00	00	10
	530	00	01	05
	316	00	00	10
	151/627	00	02	76
	614	00	01	66
	648	00	01	19
	649	00	02	21
	650	00	10	75
	652	00	01	81
	653	00	01	08
	654	00	00	18

1	2	3	4	5
7) मधुपुरपट	111	00	02	20
	110	00	03	66
	107	00	03	03
	106	00	03	27
	103	00	03	62
	147	00	05	94
	6/150	00	15	43
	14/266	00	05	32
	11/253	00	03	47
	17/482	00	00	10
	18/491	00	00	10
	21/497	00	01	32
	42/548	00	02	92
	32/528	00	06	70
	41/545	00	00	74
	33/532	00	08	63
	34/535	00	03	09
	534	00	00	97
8) गेगुंटिआ	1081	00	00	10
	1088	00	03	29
	1089	00	01	94
	1090	00	00	60
	1094	00	08	15
	1115	00	00	10
	1122	00	01	60
	1120	00	05	28
	1119	00	02	17
	1269	00	02	98
	1311	00	01	10
	1270	00	01	48
	1274	00	01	00
	1273	00	01	02
	1302	00	02	76
	1301	00	03	07
	1298	00	02	68
	1299	00	02	40
	1297	00	04	32
	1296	00	13	47
	1295	00	05	76
	1294	00	02	33
	1291	00	00	10
	1293	00	05	47

1	2	3	4	5
8) गेगुंटिआ (निरंतर)	1292	00	01	00
	1361	00	01	56
	1362	00	00	75
9) अंटिआ	2057	00	02	34
	2324	00	01	78
	2322	00	03	58
	2325	00	01	13
	2321	00	04	99
	2313	00	06	74
	2314	00	05	02
	2315	00	00	10
	2309	00	00	83
	2308	00	00	10
	2310	00	06	20
	2268	00	01	83
	2306	00	00	44
	2265	00	03	39
10) खरिलो	118/247	00	01	69
	111/240	00	00	18
	96/223	00	03	66
	88/215	00	07	94
	84/211	00	07	74
	83/210	00	14	94
	163/305	00	15	83
	302	00	00	40
	303	00	01	83
	192	00	06	48
	71/191	00	00	90
	65/175	00	01	10
	353	00	01	78
	367	00	02	72
	354	00	04	23
	355	00	00	27
	370	00	00	10
	373	00	02	88
	374	00	00	27
	392	00	07	56
	365	00	01	42
	364	00	00	10
मंडल/ तेहसिल/ तालुक ः रसुलपुर	जिला ःजाजपुर	राज्य ःओडिशा		
) सुलिआ	338	00	12	68
	335	00	03	63
	254	00	00	10

1	2	3	4	5
1) सुलिआ (निरंतर)	253	00	06	96
	304	00	02	46
	305	00	06	00
	306	00	00	99
	302	00	00	65
	300	00	01	34
	301	00	01	25
	299	00	00	41
	287	00	00	98
	197	00	00	19
	196	00	01	89
	194	00	04	26
	290	00	01	88
	503	00	00	99
	504	00	01	15
	505	00	03	09
	1708	00	00	10
	511	00	01	44
	509	00	01	08
	508	00	01	46
	507	00	00	14
	524	00	00	11
	523	00	01	47
	518	00	01	45
	519	00	01	37
	522	00	00	33
	520	00	01	73
	521	00	01	34
	517	00	00	73
	528	00	00	98
	529	00	00	83
	530	00	01	00
	531	00	00	57
	532	00	00	10
	533	00	04	37
	839	00	00	31
	838	00	00	56
	837	00	00	91
	536	00	00	74
	535	00	01	25
	537	00	01	66
	836	00	03	65

1	2	3	4	5
1) सुलिआ (निरंतर)	821	00	01	38
	822	00	00	10
	817	00	09	84
	824	00	02	42
	815	00	01	06
	809	00	01	27
	810	00	00	77
	811	00	00	94
	808	00	03	91
	825	00	00	82
	807	00	03	75
	806	00	03	32
	803	00	00	10
	804	00	00	46
	670	00	00	55
	671	00	01	18
	672	00	03	37
	805	00	00	78
	673	00	02	59
	676	00	00	13
	675	00	02	24
	674	00	04	72
	731	00	01	46
	719	00	04	32
	730	00	00	28
	720	00	01	16
	722	00	00	80
	721	00	00	92
	718	00	01	61
	717	00	00	96
	716	00	00	12
	715	00	03	19
	725	00	00	13
	714	00	03	10
	749	00	04	64
	750	00	01	50
	751	00	01	25
	752	00	01	95
	697	00	00	15
	753	00	03	06
	761	00	00	10
	754	00	00	10

1	2	3	4	5
1) सुलिआ (निरंतर)	757	00	01	38
	759	00	03	59
	998	00	01	17
	758	00	01	53
	1000	00	00	14
	1001	00	03	08
	1002	00	05	17
	1003	00	00	20
2) अरतीआकुसुनपुर	1962	00	00	34
	2009	00	02	78
	2010	00	01	83
	2012	00	01	40
	2200	00	05	63
	2153	00	06	23
	2154	00	08	20
	2155	00	05	95
	2143	00	02	00
	2142	00	05	12
	2137	00	08	80
	2117	00	00	05
	2118	00	01	11
	2127	00	00	33
	2125	00	00	10
	2122	00	04	88
	886	00	00	97
	885	00	12	11
	883	00	00	66
	889	00	00	30
	890	00	05	23
	882	00	01	12
	881	00	01	71
	880	00	02	33
	879	00	02	19
	878	00	00	37
	877	00	04	34
	876	00	03	55
	875	00	03	09
	874	00	03	00
	873	00	02	35
	870	00	02	12
	869	00	01	46
	868	00	02	75

1	2	3	4	5
2) अरतीआकुसुनपुर (निरंतर)	865	00	00	79
	864	00	00	54
	862	00	00	48
	860	00	00	10
3) मंगराजपुर	90	00	05	62
	88	00	00	21
	29	00	11	28
	28	00	03	97
	26	00	02	42
	53	00	02	66
4) करंझिरी	193	00	02	15
	194	00	03	78
	197	00	00	74
	195	00	02	03
	191	00	01	44
	182	00	00	20
	185	00	01	51
	148	00	12	29
	149	00	06	96
	143	00	04	79
	142	00	01	12
	141	00	04	69
	140	00	07	13
	106	00	12	06
	105	00	00	31
	85	00	01	88
	9	00	03	69
	84	00	01	60
	8	00	00	10
	10	00	04	58
	11	00	07	88
	7	00	02	21
	12	00	02	68
	14	00	03	36
	17	00	02	88

[फा.सं. एल.-14014/112/2010-जी.पी.]

ए. गोस्वामी, अवर सचिव

New Delhi, the 3rd January, 2012

S. O. 55.—Whereas by notification of Government of India in Ministry of Petroleum and Natural Gas number S.O. 166 dated 11th January, 2011, read with their notification number S.O. 2740(E) dated 28th November, 2011, issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), Government of India declared its intention to acquire the Right of User in land, specified in the Schedule appended to that notification for the purpose of laying Kakinada-Basudebpur-Howrah gas pipeline for transportation of natural gas from onshore terminal at East coast of Andhra Pradesh of M/s Reliance Industries Limited by M/s Relogistics Infrastructure Limited to the consumers in various parts of the country;

And whereas, the copies of the said Gazette notification were made available to the public on or before 19th August, 2011;

And whereas, no objections were received from the public to the laying of the pipeline;

And whereas, the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government of India;

And whereas, Government of India, after considering the said report and on being satisfied that the said land is required for laying the pipeline, have decided to acquire the Right of User therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, Government of India hereby declare that the Right of User in the land, specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, Government of India hereby direct that the Right of User in the said land for laying the pipeline shall, instead of vesting in Government of India, vest on the date of publication of the declaration, in M/s Relogistics Infrastructure Limited, free from all encumbrances.

Schedule

Mandal/Tehsil/Taluk:Dharmasala	District:Jajapur	State:Orissa		
Village	Survey No./Sub-Division No.	Area to be acquired for RoU		
		Hec	Are	C-Are
1	2	3	4	5
1) Gobareswar	565	00	02	20
	576	00	00	84
	574	00	00	25
	579	00	00	66
	572	00	02	31
	560	00	00	10
	559	00	06	40
	580	00	00	99
	558	00	02	43
	581	00	00	16
	547	00	00	10
	544	00	08	93
	539	00	01	16

1	2	3	4	5
2) Barada	803	00	03	34
	870	00	12	29
	872	00	07	95
	903	00	12	04
	904	00	01	35
	905	00	13	23
	906	00	03	67
	925	00	01	85
	940	00	05	35
	926	00	10	83
	933	00	11	34
	932	00	06	80
	931	00	01	33
	1003	00	01	98
	1096	00	08	40
	1094	00	07	93
3) Jamujhari	243	00	00	89
	264	00	00	25
	246	00	18	80
	262	00	01	33
	266	00	02	60
	269	00	03	35
	270	00	01	20
	259	00	06	00
	257	00	00	10
	277	00	06	24
	279	00	02	33
	276	00	03	08
	283	00	01	21
	281	00	02	91
	371	00	01	15
	309	00	00	79
	310	00	06	88
	311	00	12	00
	358	00	01	39
	324	00	00	27
	325	00	06	37
	327	00	00	20
	328	00	00	10
	326	00	07	15
	332	00	00	47
	330	00	03	51
	331	00	05	55
	335	00	07	78
	318	00	02	35
	336	00	04	76
	340	00	01	33
	339	00	02	64
4) Ragadipasi	905	00	00	11
	1449	00	06	03
	1462	00	03	17
	1463	00	00	10
	1461	00	12	65
	1460	00	02	93

1	2	3	4	5
4) *Ragadipasi* (Contd)	1454	00	02	43
	150/1397	00	00	56
	151/1398	00	15	00
	157/1405	00	05	76
	156/1404	00	11	25
	1403	00	03	54
	155/1402	00	05	79
	162/1410	00	13	31
	163/1411	00	00	21
	1340	00	03	40
	1341	00	00	14
	1249	00	03	77
	1252	00	01	35
	1244	00	07	74
	1243	00	04	90
	1242	00	02	26
	1241	00	04	52
	1240	00	00	88
5) Purunia	26/54	00	06	31
	9/27	00	00	50
	15/33	00	19	80
6) Krushanapasi	107/368	00	20	89
	108/369	00	00	91
	109/370	00	10	57
	110/371	00	03	32
	105/356	00	02	27
	106/359	00	00	18
	121/424	00	02	49
	342	00	01	02
	122/425	00	01	78
	132/438	00	02	42
	131/436	00	00	42
	125/428	00	01	84
	341	00	00	24
	126/429	00	00	99
	128/432	00	06	01
	431	00	00	10
	95/325	00	01	99
	144/520	00	06	13
	521	00	00	90
	145/523	00	07	10
	92/319	00	00	20
	317	00	00	88
	534	00	00	10
	530	00	01	05
	316	00	00	10
	151/627	00	02	76
	614	00	01	66
	648	00	01	19
	649	00	02	21
	650	00	10	75
	652	00	01	81
	653	00	01	08
	654	00	00	18

1	2	3	4	5
7) Madhupurpat	111	00	02	20
	110	00	03	66
	107	00	03	03
	106	00	03	27
	103	00	03	62
	147	00	05	94
	6/150	00	15	43
	14/266	00	05	32
	11/253	00	03	47
	17/482	00	00	10
	18/491	00	00	10
	21/497	00	01	32
	42/548	00	02	92
	32/528	00	06	70
	41/545	00	00	74
	33/532	00	08	63
	34/535	00	03	09
	534	00	00	97
8) Gengutia	1081	00	00	10
	1088	00	03	29
	1089	00	01	94
	1090	00	00	60
	1094	00	08	15
	1115	00	00	10
	1122	00	01	60
	1120	00	05	28
	1119	00	02	17
	1269	00	02	98
	1311	00	01	10
	1270	00	01	48
	1274	00	01	00
	1273	00	01	02
	1302	00	02	76
	1301	00	03	07
	1298	00	02	68
	1299	00	02	40
	1297	00	04	32
	1296	00	13	47
	1295	00	05	76
	1294	00	02	33
	1291	00	00	10
	1293	00	05	47

1	2	3	4	5
8) Gengutia (Contd)	1292	00	01	00
	1361	00	01	56
	1362	00	00	75
9) Antia	2057	00	02	34
	2324	00	01	78
	2322	00	03	58
	2325	00	01	13
	2321	00	04	99
	2313	00	06	74
	2314	00	05	02
	2315	00	00	10
	2309	00	00	83
	2308	00	00	10
	2310	00	06	20
	2266	00	01	83
	2306	00	00	44
	2265	00	03	39
10) Kharilo	118/247	00	01	69
	111/240	00	00	18
	96/223	00	03	66
	88/215	00	07	94
	84/211	00	07	74
	83/210	00	14	94
	163/305	00	15	83
	302	00	00	40
	303	00	01	83
	192	00	06	48
	71/191	00	00	90
	65/175	00	01	10
	353	00	01	78
	367	00	02	72
	354	00	04	23
	355	00	00	27
	370	00	00	10
	373	00	02	88
	374	00	00	27
	392	00	07	56
	365	00	01	42
	364	00	00	10
Mandal/Tehsil/Taluk:Rasulpur	**District:Jajapur**	**State:Orissa**		
1) Sulia	338	00	12	68
	335	00	03	63
	254	00	00	10

1	2	3	4	5
1) Sulia (Contd)	253	00	06	96
	304	00	02	46
	305	00	06	00
	306	00	00	99
	302	00	00	65
	300	00	01	34
	301	00	01	25
	299	00	00	41
	287	00	00	98
	197	00	00	19
	196	00	01	89
	194	00	04	26
	290	00	01	88
	503	00	00	99
	504	00	01	15
	505	00	03	09
	1708	00	00	10
	511	00	01	44
	509	00	01	08
	508	00	01	46
	507	00	00	14
	524	00	00	11
	523	00	01	47
	518	00	01	45
	519	00	01	37
	522	00	00	33
	520	00	01	73
	521	00	01	34
	517	00	00	73
	528	00	00	98
	529	00	00	83
	530	00	01	00
	531	00	00	57
	532	00	00	10
	533	00	04	37
	839	00	00	31
	838	00	00	56
	837	00	00	91
	536	00	00	74
	535	00	01	25
	537	00	01	66
	836	00	03	65

1	2	3	4	5
1) Sulia (Contd)	821	00	01	38
	822	00	00	10
	817	00	09	84
	824	00	02	42
	815	00	01	06
	809	00	01	27
	810	00	00	77
	811	00	00	94
	808	00	03	91
	825	00	00	82
	807	00	03	75
	806	00	03	32
	803	00	00	10
	804	00	00	46
	670	00	00	55
	671	00	01	18
	672	00	03	37
	805	00	00	78
	673	00	02	59
	676	00	00	13
	675	00	02	24
	674	00	04	72
	731	00	01	46
	719	00	04	32
	730	00	00	28
	720	00	01	16
	722	00	00	80
	721	00	00	92
	718	00	01	61
	717	00	00	96
	716	00	00	12
	715	00	03	19
	725	00	00	13
	714	00	03	10
	749	00	04	64
	750	00	01	50
	751	00	01	25
	752	00	01	95
	697	00	00	15
	753	00	03	06
	761	00	00	10
	754	00	00	10

1	2	3	4	5
1) Sulia (Contd)	757	00	01	38
	759	00	03	59
	998	00	01	17
	758	00	01	53
	1000	00	00	14
	1001	00	03	08
	1002	00	05	17
	1003	00	00	20
2) Aratiakusunpur	1962	00	00	34
	2009	00	02	78
	2010	00	01	83
	2012	00	01	40
	2200	00	05	63
	2153	00	06	23
	2154	00	08	20
	2155	00	05	95
	2143	00	02	00
	2142	00	05	12
	2137	00	08	80
	2117	00	00	05
	2118	00	01	11
	2127	00	00	33
	2125	00	00	10
	2122	00	04	88
	886	00	00	97
	885	00	12	11
	883	00	00	66
	889	00	00	30
	890	00	05	23
	882	00	01	12
	881	00	01	71
	880	00	02	33
	879	00	02	19
	878	00	00	37
	877	00	04	34
	876	00	03	55
	875	00	03	09
	874	00	03	00
	873	00	02	35
	870	00	02	12
	869	00	01	46
	868	00	02	75

1	2	3	4	5
2) Aratiakusunpur (Contd)	865	00	00	79
	864	00	00	54
	862	00	00	48
	860	00	00	10
3) Mangraj Pur	90	00	05	62
	88	00	00	21
	29	00	11	28
	28	00	03	97
	26	00	02	42
	53	00	02	66
4) Karanjiari	193	00	02	15
	194	00	03	78
	197	00	00	74
	195	00	02	03
	191	00	01	44
	182	00	00	20
	185	00	01	51
	148	00	12	29
	149	00	06	96
	143	00	04	79
	142	00	01	12
	141	00	04	69
	140	00	07	13
	106	00	12	06
	105	00	00	31
	85	00	01	88
	9	00	03	69
	84	00	01	60
	8	00	00	10
	10	00	04	58
	11	00	07	88
	7	00	02	21
	12	00	02	68
	14	00	03	36
	17	00	02	88

[F. No. L-14014/112/2010-G.P.]

A. GOSWAMI, Under Secy.

नई दिल्ली, 3 जनवरी, 2012

का. आ. 56.—भारत सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 163 तारीख 10 जनवरी, 2011 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में, तमिलनाडु में तिरूतन्नी के पास विजयवाडा – नैलुर - चैन्नई पाइपलाइन के टर्मिनल प्वाइंट से देश के विभिन्न हिस्सों में उपभोक्ताओं तक प्राकतिक गैस के परिवहन के लिए मैसर्स रिलोजिसटिक्स इन्फ्रास्ट्रक्चर लिमिटेड द्वारा चैन्नई - टयूटीकोरिन पाइपलाइन बिछाने के प्रायोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थीं ;

और, उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 07 सितम्बर, 2011 को अथवा उससे पूर्व उपलब्ध करा दी गई थीं ;

और, पाइपलाइन बिछाने के संबंध में जनता की ओर से कोई आक्षेप प्राप्त नहीं हुआ है ;

और, सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन भारत सरकार को अपनी रिपोर्ट दे दी है

और, भारत सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह संतुष्ट हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चिय किया है ;

अतः, अब, भारत सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए , यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और, भारत सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से भारत सरकार में निहित होने के बजाए, सभी विल्लंगमों से मुक्त, मैसर्स रिलोजिसटिक्स इन्फ्रास्ट्रक्चर लिमिटेड में निहित होगा ।

अनुसूची

तालुक : तिरुमंगलम	जिला :मदुरै	राज्य :तमिलनाडु		
गाँव का नाम	सर्वे सं/सब डिविजन सं·	आर·ओ·यू·अर्जित करने के लिए क्षेत्रफल		
		हेक्टेयर	एयर	सि·एयर
1	2	3	4	5
1) वन्नाकुलम	9/2बी	00	60	60
	9/4ए	00	12	06
	9/4बी	00	29	23
तालुक : वाडिपट्टि	जिला :मदुरै	राज्य :तमिलनाडु		
1) अर्येतन्करय	53/5बी2	00	01	45
	53/1बी	00	01	28
	53/5ए2	00	07	19
	53/2बी	00	15	32
	53/3	00	10	24
	53/4	00	00	40
	49/1	00	29	01
	48/1ए	00	13	40
	48/1बी	00	14	07
	89/2	00	13	77
	87/1	00	15	76
	61/2	00	11	62
	67/2	00	06	00
	67/3	00	10	54
	68/4	00	06	73
	82/1ए	00	14	13
	82/1बी	00	08	20
	82/2ए1	00	05	05

1	2	3	4	5
) अर्यंतन्कगय (निरंतर)	82/2ए2	00	01	54
	82/2वी	00	23	62
	80/1	00	26	58
	80/2	00	05	92
	80/3	00	07	64
	80/4	00	09	09
	74/1	00	20	11
	75/2	00	02	61
	73/2	00	11	85
	352/1	00	10	07
	351	00	12	79
	350/1	00	09	96
	350/2	00	22	46
	349/2ए	00	09	54
	349/2वी	00	03	85
	349/1	00	02	91
	349/4	00	10	43
	343/1	00	09	11
	339/3	00	48	19
	339/5	00	15	10
	339/6	00	00	27
	338	00	05	63
	339/7	00	17	83
	339/4	00	03	33
	372/1	00	23	38
	372/2	00	39	58
	528	00	03	00
	373/1	00	25	59
	374/1ए	00	39	03
	374/1वी2	00	01	27
	375	00	02	82

[फा.सं. एल.-14014/114/2010-जी.पी.]

ए. गोस्वामी, अवर सचिव

New Delhi, the 3rd January, 2012

S. O. 56.— Whereas by notification of Government of India in Ministry of Petroleum and Natural Gas, number S.O. 163 dated 10th January,2010 , issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), Government of India declared its intention to acquire the Right of User in the land, specified in the Schedule appended to that notification for the purpose of laying Chennai – Tuticorin gas pipeline for transportation of natural gas from terminal point of Vijayawada – Nellore - Chennai pipeline near Tiruttani in Tamil Nadu by M/s Relogistics Infrastructure Limited to consumers in various parts of the country ;

And whereas, the copies of the said Gazette notification were made available to the public on or before 07th September, 2011;

And whereas, no objections were received from the public to the laying of the pipeline;

And whereas, the Competent Authority has, under sub-section (1) of Section 6 of the said Act, submitted report to the Government of India;

And whereas, Government of India, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the Right of User therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, Government of India hereby declares that the Right of User in the land, specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, Government of India hereby directs that the Right of User in the said land for laying the pipeline shall, instead of vesting in Government of India, vest on the date of publication of the declaration, in M/s Relogistics Infrastructure Limited, free from all encumbrances

Schedule

Taluk:Tirumangalam	District:Madurai	State:Tamil Nadu		
Village	Survey No./Sub-Division No.	Area to be acquired for RoU		
		Hec.	Are.	C-Are.
1	2	3	4	5
1) Vannankulam	9/2B	00	60	60
	9/4A	00	12	06
	9/4B	00	29	23
Mandal/Tehsil/Taluk:Vadipatti	**District:Madurai**	**State:Tamil Nadu**		
1) Ayenthenkarai	53/5B2	00	01	45
	53/1B	00	01	28
	53/5A2	00	07	19
	53/2B	00	15	32
	53/3	00	10	24
	53/4	00	00	40
	49/1	00	29	01
	48/1A	00	13	40
	48/1B	00	14	07
	89/2	00	13	77
	87/1	00	15	76
	61/2	00	11	62
	67/2	00	06	00
	67/3	00	10	54
	68/4	00	06	73
	82/1A	00	14	13
	82/1B	00	08	20
	82/2A1	00	05	05
	82/2A2	00	01	54
	82/2B	00	23	[illegible]
	80/1	00	26	58
	80/2	00	05	92
	80/3	00	07	64
	80/4	00	09	09
	74/1	00	20	11
	75/2	00	02	61
	73/2	00	11	85
	352/1	00	10	07
	351	00	12	79

1	2	3	4	5
1) Ayenthenkarai (Contd)	350/1	00	09	96
	350/2	00	22	46
	349/2A	00	09	54
	349/2B	00	03	85
	349/1	00	02	91
	349/4	00	10	43
	343/1	00	09	11
	339/3	00	48	19
	339/5	00	15	10
	339/6	00	00	27
	338	00	05	63
	339/7	00	17	83
	339/4	00	03	33
	372/1	00	23	38
	372/2	00	39	58
	528	00	03	00
	373/1	00	25	59
	374/1A	00	39	03
	374/1B2	00	01	27
	375	00	02	82

[F. No. L-14014/114/2010-GP.]

A. GOSWAMI, Under Secy.

नई दिल्ली, 3 जनवरी, 2012

का. आ. 57.—भारत सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 162, तारीख 10.01.2011 द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में, तमिलनाडु में तिरूतन्नी के पास विजयवाडा-नैलुर-चैन्नई पाइपलाइन के टर्मिनल प्वाइंट से देश के विभिन्न हिस्सों में उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए, मैसर्स रिलोजिसटिक्स इन्फ्रास्ट्क्चर लिमिटेड द्वारा चैन्नई -बंगलौर-मंगलौर पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और, उक्त गजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 07 सितम्बर, 2011 को अथवा उससे पूर्व उपलब्ध करा दी गई थीं ;

और, पाइपलाइन बिछाने के संबंध में, जनता की ओर से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और अननुज्ञात कर दिया गया ;

और, सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन भारत सरकार को अपनी रिपोर्ट दे दी है ;

और, भारत सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह संतुष्ट हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चिय किया है ;

अतः, अब, भारत सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और, भारत सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से भारत सरकार में निहित होने के बजाए, सभी विल्लंगमों से मुक्त, मैसर्स रिलोजिसटिक्स इन्फ्रास्ट्रक्चर लिमिटेड में निहित होगा ।

अनुसूची

तालुक ः हासन	जिला ःहासन	राज्य ःकर्नाटक		
गाँव का नाम	सर्वे सं/सब डिविजन सं॰	आर॰ओ॰यू॰अर्जित करने के लिए क्षेत्रफल		
		हेक्टेयर्	एयर	सि॰एयर
1	2	3	4	5
1) नरसिपुरा	6	00	69	75
	5	00	18	20
2) यलगोन्डनहल्ली	8	00	00	43
3) अनुगनालु	25	00	29	37
	24	00	66	97
	28	00	93	27
	29	00	53	58
4) कामेनहल्ली	25	00	06	77
	24	00	08	86
	23	00	09	37
	22	00	03	24
	21	00	00	33
	73	00	24	34
	75	00	29	28
	76	00	02	41
	82	00	06	76
	83	00	00	18
	91	00	38	17
	109	00	21	06
	110	00	00	69
	108	00	06	21
	107	00	26	25
	106	00	02	68
	111	00	20	44
	105	00	31	24
	131	00	47	73
	126	00	37	81
	125	00	08	77
तालुक ः अरसीकेरे	जिला ःहासन	राज्य ःकर्नाटक		
1) मंजेनहल्ली कावलु	2	04	83	10
	118	00	43	74
	137	00	65	82
	140	00	01	55
	141	00	41	06
	148	00	44	13
	158	00	00	47
	159	00	53	53
	164	00	49	92

1	2	3	4	5
1) मंजेनहल्ली कावलु (निरंतर)	175	00	52	59
	180	00	51	24
	185	00	53	47
	190	00	50	64
	195	00	50	76
	196	00	01	67
	200	00	38	66
	199	00	11	09
	147	00	13	38
तालुक ः बेलुर	जिला ःहासन	राज्य ःकर्नाटक		
1) बोम्मेनहल्ली	7	00	16	95
2) हनिके	12	00	96	54
	13	00	72	02
	20	00	11	68
	2	00	00	15
	3	00	28	49
	118	00	41	95
	56	00	11	70
	60	00	00	42
	57	00	04	61
	7/2	00	40	57
	5/2	00	32	52
	1/3	00	24	13
	1/4बी	00	00	07
	1/4सी	00	01	77
	1/5	00	12	89
	1/7	00	00	67
	51/6	00	01	34
	52/1	00	00	26
	52/2	00	12	21
	54/3	00	02	47
	55/1	00	08	92
	55/2	00	10	14
	55/3	00	03	40
	58/1	00	09	09
	58/2	00	06	94
	58/3	00	02	86
	58/4	00	00	10
	65/1	00	29	39
	65/2	00	23	19
3) हीरगुप्पे	335	00	12	39
	337	00	02	63
	336	00	34	09

1	2	3	4	5
4) चिक्कविक्कोडु	18/3	00	21	51
	18/1	00	45	43
	18/2	00	00	32
	17/1	00	02	20
	16/1	00	34	49
	16/2	00	08	15
	16/3	00	04	99
	15/2	00	08	59
	15/1	00	05	32
	13/1	00	23	62
	11/1	00	20	68
	11/2	00	07	58
	10	00	07	17
	7/5बी1	00	03	92
	9	00	01	20
	39	00	33	58
	37	00	75	79
	24/1ए	00	07	91
	14/1	00	05	09
	14/2	00	03	68
	13/2ए	00	18	36
	38/1	00	06	66
	38/2	00	08	72
	38/3	00	04	99
	38/4	00	05	32
	47/3	00	03	84
	47/4	00	39	08
	47/5	00	08	77
	47/6	00	06	53
) मत्तावरा	190	00	17	21
	191	00	42	75
	194/3	00	18	52
	7/2	00	18	67
	7/1	00	22	60
	18/1	00	40	66
	17	00	08	00
	22/6	00	00	67
	22/4	00	41	90
	22/3	00	03	57
	22/5	00	10	38
	35/3	00	06	44
	35/2	00	12	12

1	2	3	4	5
5) मल्लावरा (निरंतर)	36/1	00	04	90
	36/2	00	09	73
	38	00	15	89
	39/1	00	11	70
	39/3	00	00	10
	39/2	00	05	13
	41/2	00	03	66
	41/1	00	26	05
	40	00	27	41
	46	00	10	73
	47	00	07	29
	30	00	34	09
	5/2	00	04	32
	5/3	00	17	31
	23/3	00	04	96
	24/4	00	03	34
6) वेंकटपेटे	11/2	00	08	52
	12/1	00	16	64
	9/1	00	15	45
	8	00	63	86
	7	00	29	71
	5	00	00	10
	6	00	12	71
	39/1	00	14	24
	39/2	00	14	68
	40	00	07	83
	41/1	00	17	62
	41/2	00	18	21
	41/4	00	27	09
	47/1	00	02	01
	36	00	10	06
	35/1सी	00	44	76
	35/1बी	00	00	71
7) हिरेगाग्जे	161	00	05	09
	162/2	00	32	57
	162/1	00	20	79
	162/3	00	04	27
	163/2	00	35	45
	160/3	00	06	23
	160/4	00	26	21
	163/1	00	00	40
	160/2	00	05	42

1	2	3	4	5
7) हिरेगरजे (निरंतर)	160/1	00	04	77
	159/2	00	35	50
	159/1	00	13	41
	47	00	02	28
	46/2	00	17	41
	46/1	00	19	31
	49/1	00	16	85
	50/2	00	12	29
	53/2	00	19	35
	51/3	00	04	99
	53/1	00	14	55
	67	00	01	29
	59/2	00	21	97
	62/2	00	05	96
	30/2	00	01	70
	28/5	00	28	35
	28/3	00	15	90
	28/2	00	33	23
	73	00	22	37
	74	00	14	93
8) कडेगरजे	29/2	00	00	10
	29/3	00	12	40
	23/2	00	43	51
	19	00	74	10
	20	00	16	67
	145	00	07	65
	18	00	22	11
	17/1	00	10	30
	16/2	00	21	26
9) अरेहल्ली	133	00	00	50
	131	00	35	21
	128	00	28	90
	126	00	00	39
	92	00	12	51
	93	00	22	04
	94	00	29	76
	103	00	31	54
	95	00	06	36
	99	00	07	90
	102	00	08	47
	100	00	20	75
	98	00	05	25

1	2	3	4	5
9) अरेहल्ली (निरंतर)	45	00	01	83
	47	00	41	56
	208	00	13	68
	212	00	49	97
	144/1	00	32	14
	144/2ए	00	29	57
	144/2बी	00	29	30
	143/1	00	06	21
	132/1	00	09	17
	132/2	00	16	82
	135/1	00	02	73
	127/1	00	31	07
	39/3	00	11	31
	39/4	00	11	70
	216/1	00	43	70
	216/2	00	03	44
	216/4	00	11	76
	214/1	00	45	60
10) मालहल्ली	19/2	00	29	72
	19/1	00	29	52
	18/1	00	11	68
	22/2	00	10	09
	22/1	00	13	72
	24	00	50	26
	27	00	16	75
	28	00	05	45
	29	00	08	40
	30	00	43	73
	2/2	00	44	20
	26/1	00	22	78
	26/2	00	20	29
11) गुरगिहल्ली	43	00	55	47
	75	01	05	88
	44	00	01	94
	46	00	27	93
	48	00	85	45
	66	00	81	69
	67	00	37	81
	65	00	17	26
	64/2	00	12	33
	64/1ए	00	20	84
	64/1बी	00	22	35

1	2	3	4	5
11) गुरगिहल्ली (निरंतर)	85	00	24	54
	83	00	11	30
	82	00	01	24
	81	00	18	44
') मलमावग	125	00	06	73
	134	00	33	87
	123/2	00	01	75
	130	00	12	58
	132	00	33	48
	133	00	20	77
	121	00	08	40
	120/2	00	42	68
	120/1	00	10	74
	119/2	00	11	23
	111	00	01	73
	110/2	00	09	49
	110/1	00	18	24
	96	00	47	75
	95	00	32	76
	94	00	10	85
	93	00	46	33
	226	00	14	77
	90	00	00	86
	4	00	26	00
	5	00	52	14
	8	01	05	92
3) कानहल्ली	25	00	03	93
	26	00	17	10
	28	00	08	44
	27	00	28	22
	33/1	00	55	21
	32	00	00	10
	34	00	46	47
	35	00	13	15
4) उम्बलगोडु	9	00	41	11
	8	00	42	26
	4	00	08	59
	3	00	68	48
	18/2	00	34	68
	19/1	00	00	36
	18/3	00	20	92
	22	00	17	28

1	2	3	4	5
14) उम्बलगोडु (निरंतर)	26/2	00	37	08
	26/1	00	35	81
	23/1	00	00	21
	24/6	00	29	08
	24/5	00	07	50
	24/4	00	01	34
	24/2	00	12	39

[फा.सं. एल.-14014/115/2010-जी.पी.]
ए. गोस्वामी, अवर सचिव

New Delhi, the 3rd January, 2012

S. O. 57.—Whereas by notification of Government of India in Ministry of Petroleum and Natural Gas, number S.O. 162, dated 10-01-2011, issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), Government of India declared its intention to acquire the Right of User in the land, specified in the Schedule appended to that notification for the purpose of laying Chennai-Bangalore-Mangalore gas pipeline for transportation of natural gas from terminal point of Vijayawada-Nellore-Chennai pipeline near Tiruttani in TamilNadu by M/s Relogistics Infrastructure Limited to consumers in various parts of the country;

And whereas, the copies of the said Gazette notification were made available to the public on or before 07th September, 2011;

And whereas, the objections received from the public to the laying of the pipeline have been considered and disallowed by the Competent Authority;

And whereas, the Competent Authority has, under sub-section (1) of Section 6 of the said Act, submitted report to the Government of India;

And whereas, Government of India, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the Right of User therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, Government of India hereby declares that the Right of User in the land, specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, Government of India hereby directs that the Right of User in the said land for laying the pipeline shall, instead of vesting in Government of India, vest on the date of publication of the declaration, in M/s Relogistics Infrastructure Limited, free from all encumbrances.

Schedule

Taluk:Hassan	District:Hassan	State:Karnataka		
Village	Survey No./Sub-Division No.	Area to be acquired for RoU		
		Hec	Are	C-Are
1	2	3	4	5
1) Narasipura	6	00	69	75
	5	00	18	20
2) Yalagondanahalli	8	00	00	43
3) Anuganalu	25	00	29	37
	24	00	66	97
	28	00	93	27
	29	00	53	58
4) Kamenahalli	25	00	06	77
	24	00	08	86
	23	00	09	37
	22	00	03	24
	21	00	00	33
	73	00	24	34
	75	00	29	28
	76	00	02	41
	82	00	06	76
	83	00	00	18
	91	00	38	17
	109	00	21	06
	110	00	00	69
	108	00	06	21
	107	00	26	25
	106	00	02	68
	111	00	20	44
	105	00	31	24
	131	00	47	73
	126	00	37	81
	125	00	08	77
Taluk:Arsikere	**District:Hassan**	**State:Karnataka**		
1) Manjenahalli Kavalu	2	04	83	10
	118	00	43	74
	137	00	65	82
	140	00	01	55
	141	00	41	06
	148	00	44	13
	158	00	00	47
	159	00	53	53
	164	00	49	92

1	2	3	4	5
1) Manjenahalli Kavalu (Contd)	175	00	52	59
	180	00	51	24
	185	00	53	47
	190	00	50	64
	195	00	50	76
	196	00	01	67
	200	00	38	66
	199	00	11	09
	147	00	13	38
Taluk:Belur	**District:Hassan**	**State:Karnataka**		
1) Bommenahalli	7	00	16	95
2) Hanike	12	00	96	54
	13	00	72	02
	20	00	11	68
	2	00	00	15
	3	00	28	49
	118	00	41	95
	56	00	11	70
	60	00	00	42
	57	00	04	61
	7/2	00	40	57
	5/2	00	32	52
	1/3	00	24	13
	1/4B	00	00	07
	1/4C	00	01	77
	1/5	00	12	89
	1/7	00	00	67
	51/6	00	01	34
	52/1	00	00	26
	52/2	00	12	21
	54/3	00	02	47
	55/1	00	08	92
	55/2	00	10	14
	55/3	00	03	40
	58/1	00	09	09
	58/2	00	06	94
	58/3	00	02	86
	58/4	00	00	10
	65/1	00	29	39
	65/2	00	23	19
3) Heeraguppe	335	00	12	39
	337	00	02	63
	336	00	34	09

1	2	3	4	5
4) Chikkabiccodu	18/3	00	21	51
	18/1	00	45	43
	18/2	00	00	32
	17/1	00	02	20
	16/1	00	34	49
	16/2	00	08	15
	16/3	00	04	99
	15/2	00	08	59
	15/1	00	05	32
	13/1	00	23	62
	11/1	00	20	68
	11/2	00	07	58
	10	00	07	17
	7/5B1	00	03	92
	9	00	01	20
	39	00	33	58
	37	00	75	79
	24/1A	00	07	91
	14/1	00	05	09
	14/2	00	03	68
	13/2A	00	18	36
	38/1	00	06	66
	38/2	00	08	72
	38/3	00	04	99
	38/4	00	05	32
	47/3	00	03	84
	47/4	00	39	08
	47/5	00	08	77
	47/6	00	06	53
5) Mattavara	190	00	17	21
	191	00	42	75
	194/3	00	18	52
	7/2	00	18	67
	7/1	00	22	60
	18/1	00	40	66
	17	00	08	00
	22/6	00	00	67
	22/4	00	41	90
	22/3	00	03	57
	22/5	00	10	38
	35/3	00	06	44
	35/2	00	12	12

1	2	3	4	5
5) Mattavara (Contd)	36/1	00	04	90
	36/2	00	09	73
	38	00	15	89
	39/1	00	11	70
	39/3	00	00	10
	39/2	00	05	13
	41/2	00	03	66
	41/1	00	26	05
	40	00	27	41
	46	00	10	73
	47	00	07	29
	30	00	34	09
	5/2	00	04	32
	5/3	00	17	31
	23/3	00	04	96
	24/4	00	03	34
6) Venkatapete	11/2	00	08	52
	12/1	00	16	64
	9/1	00	15	45
	8	00	63	86
	7	00	29	71
	5	00	00	10
	6	00	12	71
	39/1	00	14	24
	39/2	00	14	68
	40	00	07	83
	41/1	00	17	62
	41/2	00	18	21
	41/4	00	27	09
	47/1	00	02	01
	36	00	10	06
	35/1C	00	44	76
	35/1B	00	00	71
7) Hirigarje	161	00	05	09
	162/2	00	32	57
	162/1	00	20	79
	162/3	00	04	27
	163/2	00	35	45
	160/3	00	06	23
	160/4	00	26	21
	163/1	00	00	40
	160/2	00	05	42

1	2	3	4	5
7) Hirigarje (Contd)	160/1	00	04	77
	159/2	00	35	50
	159/1	00	13	41
	47	00	02	28
	46/2	00	17	41
	46/1	00	19	31
	49/1	00	16	85
	50/2	00	12	29
	53/2	00	19	35
	51/3	00	04	99
	53/1	00	14	55
	67	00	01	29
	59/2	00	21	97
	62/2	00	05	96
	30/2	00	01	70
	28/5	00	28	35
	28/3	00	15	90
	28/2	00	33	23
	73	00	22	37
	74	00	14	93
8) Kadegarje	29/2	00	00	10
	29/3	00	12	40
	23/2	00	43	51
	19	00	74	10
	20	00	16	67
	145	00	07	65
	18	00	22	11
	17/1	00	10	30
	16/2	00	21	26
9) Arehalli	133	00	00	50
	131	00	35	21
	128	00	28	90
	126	00	00	39
	92	00	12	51
	93	00	22	04
	94	00	29	76
	103	00	31	54
	95	00	06	36
	99	00	07	90
	102	00	08	47
	100	00	20	75
	98	00	05	25

1	2	3	4	5
9) Arehalli (Contd)	45	00	01	83
	47	00	41	56
	208	00	13	68
	212	00	49	97
	144/1	00	32	14
	144/2A	00	29	57
	144/2B	00	29	30
	143/1	00	06	21
	132/1	00	09	17
	132/2	00	16	82
	135/1	00	02	73
	127/1	00	31	07
	39/3	00	11	31
	39/4	00	11	70
	216/1	00	43	70
	216/2	00	03	44
	216/4	00	11	76
	214/1	00	45	60
10) Malahalli	19/2	00	29	72
	19/1	00	29	52
	18/1	00	11	68
	22/2	00	10	09
	22/1	00	13	72
	24	00	50	26
	27	00	16	75
	28	00	05	45
	29	00	08	40
	30	00	43	73
	2/2	00	44	20
	26/1	00	22	78
	26/2	00	20	29
11) Gurgihalli	43	00	55	47
	75	01	05	88
	44	00	01	94
	46	00	27	93
	48	00	85	45
	66	00	81	69
	67	00	37	81
	65	00	17	26
	64/2	00	12	33
	64/1A	00	20	84
	64/1B	00	22	35

1	2	3	4	5
11) Gurgihalli (Contd)	85	00	24	54
	83	00	11	30
	82	00	01	24
	81	00	18	44
12) Malasavara	125	00	06	73
	134	00	33	87
	123/2	00	01	75
	130	00	12	58
	132	00	33	48
	133	00	20	77
	121	00	08	40
	120/2	00	42	68
	120/1	00	10	74
	119/2	00	11	23
	111	00	01	73
	110/2	00	09	49
	110/1	00	18	24
	96	00	47	75
	95	00	32	76
	94	00	10	85
	93	00	46	33
	226	00	14	77
	90	00	00	86
	4	00	26	00
	5	00	52	14
	8	01	05	92
13) Kaanahalli	25	00	03	93
	26	00	17	10
	28	00	08	44
	27	00	28	22
	33/1	00	55	21
	32	00	00	10
	34	00	46	47
	35	00	13	15
14) Umbalagodu	9	00	41	11
	8	00	42	26
	4	00	08	59
	3	00	68	48
	18/2	00	34	68
	19/1	00	00	36
	18/3	00	20	92
	22	00	17	28

1	2	3	4	5
(4) Umbalagodu (Contd)	26/2	00	37	08
	26/1	00	35	81
	23/1	00	00	21
	24/6	00	29	08
	24/5	00	07	50
	24/4	00	01	34
	24/2	00	12	39

[F. No. L-14014/115/2010-G.P.]

A. GOSWAMI, Under Secy.

नई दिल्ली, 3 जनवरी, 2012

का. आ. 58.—भारत सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 95 तारीख 21 दिसंबर, 2010 द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में, मैसर्स रिलाएंस इन्डस्ट्रीज लिमिटेड के आन्ध्र प्रदेश में पूर्वी तट पर ऑनशोर टरमिनल से देश के विभिन्न हिस्सों में उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए, मैसर्स रिलोजिस्टिक्स इन्फ्रास्ट्रक्चर लिमिटेड द्वारा काकीनाडा- वासुदेवपुर-हावडा गैस पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और, उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 26 मई, 2011 को अथवा उससे पूर्व उपलब्ध करा दी गई थीं ;

और, पाइपलाइन बिछाने के सम्बन्ध में, जनता की ओर से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और अननुज्नात कर दिया गया;

और, सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन भारत सरकार को अपनी रिपोर्ट दे दी है ;

और, भारत सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह संतुष्ट हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चिय किया है ;

अत:, अव, भारत सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और, भारत सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से भारत सरकार में निहित होने के बजाए, सभी विल्लंगमों से मुक्त, मैसर्स रिलोजिस्टिक्स इन्फ्रास्ट्रक्चर लिमिटेड में निहित होगा।

अनुसूची

मंडल/ तेहसिल/ तालुक : बेगुनीया	जिला :खोरडा	राज्य :ओडिशा		
गाँव का नाम	सर्वे सं/सब डिविजन सं-	आर.ओ.यू.अर्जित करने के लिए क्षेत्रफल		
		हेक्टेयर	एयर	सि.एयर
1	2	3	4	5
1) बोटालामा	1137	00	02	88
	1138	00	05	75
	1140	00	07	13
	1141	00	07	36
	1142	00	07	70
	1143	00	06	66
	1144	00	06	03
	1145	00	03	78
	1147	00	00	10
	1149	00	14	64
	1071	00	08	23
	1072	00	01	06
	1064	00	00	54
	1065	00	10	36
	1066	00	17	23
	1058	00	00	73
	1067	00	08	43
	1068	00	12	75
	1056	00	04	35
	1053	00	09	09
	1054	00	02	55
	1052	00	07	26
	882	00	07	63
	884	00	00	36
	886	00	14	96
	885	00	04	63
	892	00	14	06
	899	00	28	53
	898	00	11	24
	919	00	00	56
	916	00	01	80
	675	00	02	74
	684	00	00	10
	677	00	01	23
	674	00	05	39
	547	00	06	51
	546	00	04	85

1	2	3	4	5
1) बोटालामा (निरंतर)	528	00	16	02
	548	00	09	98
	527	00	19	75
	550	00	13	00
	520	00	03	78
	561	00	04	53
	567	00	09	11
	569	00	00	44
	566	00	03	39
	573	00	01	75
	572	00	05	01
	571	00	00	74
	495	00	06	95
	494	00	01	46
	601	00	01	80
	600	00	07	41
	591	00	05	27
	590	00	02	84
	592	00	00	46
	593	00	03	46
	589	00	06	16
	588	00	02	35
	594	00	02	08
	587	00	00	61
	586	00	02	37
	627	00	08	07
2) अठारंग	2110	00	00	23
	2112	00	01	94
	2113	00	00	52
	2119	00	02	39
	2120	00	01	75
	2121	00	03	61
	2126	00	02	78
	2125	00	08	10
	2144	00	02	28
	2164	00	06	85
	2156	00	00	26
	2158	00	01	20
	2160	00	05	74
	1770	00	01	16
	1769	00	09	32
	1768	00	01	31

1	2	3	4	5
2) अठारंग (निरंतर)	1743	00	06	00
	1745	00	01	97
	1744	00	01	70
	1742	00	02	63
	1631	00	00	57
	1632	00	06	53
	1736	00	06	41
	1737	00	00	27
	1646	00	04	29
	1637	00	05	31
	1645	00	02	63
	1638	00	01	09
	1639	00	05	74
	1641	00	11	22
	1579	00	02	55
	1576	00	04	10
	1575	00	05	96
	1567	00	02	70
	1574	00	02	85
	1571	00	05	40
	1568	00	04	64
	1569	00	00	10
	1570	00	07	08
	1479	00	25	64
	1456	00	04	67
	1443	00	25	83
	1444	00	07	11
	1445	00	06	55
	1409	00	04	46
	1412	00	03	78
	1413	00	06	71
	1414	00	00	10
	1406	00	03	05
3) रामचन्द्रपुर	1797	00	03	91
	1799	00	03	88
	1801	00	00	58
	1798	00	02	61
	1806	00	04	21
	1809	00	11	25
	1810	00	08	20
	1815	00	04	30
	1817	00	07	87

1	2	3	4	5
3) रामचन्द्रपुर (निरंतर)	1816	00	01	10
	1818	00	03	19
	1834	00	08	43
	1821	00	03	56
	1823	00	01	48
	429	00	00	49
	430	00	05	48
	431	00	05	86
	433	00	02	89
	434	00	06	67
	407	00	00	51
	406	00	04	92
	405	00	04	15
	435	00	03	51
	383	00	05	40
	384	00	06	80
	382	00	08	72
	380	00	00	57
	381	00	03	13
	368	00	01	45
	369	00	02	32
	371	00	04	38
	370	00	00	55
	365	00	08	32
	367	00	01	12
	366	00	00	87
	360	00	02	43
	364	00	04	10
	362	00	01	13
	361	00	00	10
	313	00	01	03
	311	00	03	45
	310	00	00	92
	663	00	01	77
	665	00	16	40
	666	00	03	84
	667	00	07	73
	662	00	00	10
	309	00	00	95
4) कपिलेश्वरपुर	973	00	01	83
	978	00	04	64
	974	00	04	28

1	2	3	4	5
4) कपिलेश्वरपुर (निरंतर)	975	00	01	89
	977	00	03	34
	1108	00	05	88
	1109	00	02	89
	1107	00	07	91
	1100	00	05	65
	1101	00	01	89
	1097	00	06	26
	1095	00	02	83
	1091	00	03	33
	1093	00	01	22
	1092	00	03	92
	1082	00	15	23
	1038	00	06	89
	1137	00	00	40
	1035	00	04	10
	1175	00	05	60
	1177	00	16	50
	1178	00	02	28
	1176	00	03	46
5) राउतपारा	3610	00	34	36
	3603	00	04	85
	3604	00	02	62
	3605	00	00	37
	3601	00	08	26
	3599	00	01	81
	3600	00	13	47
	3593	00	00	30
	3589	00	68	23
	3578	00	21	28
	3579	00	02	17
	3575	00	09	89
	3574	00	03	48
	3573	00	00	37
	3569	00	01	69
	3552	00	03	62
	3551	00	04	64
	3550	00	06	59
	3531	00	16	29
	3533	00	11	59
	2042	00	01	02
	2043	00	12	43

1	2	3	4	5
5) राउतपारा (निरंतर)	2040	00	03	99
	2045	00	17	76
	2046	00	04	34
	2039	00	26	78
	2032	00	01	65
	2034	00	18	71
	2035	00	06	96
	2016	00	04	24
	2015	00	06	42
	2014	00	02	67
	2017	00	02	25
	2011	00	92	92
	2010	00	00	12
	2012	00	04	32
	2013	00	02	42
	1281	00	12	09
	1045	00	00	40
	1043	00	06	58
	1052	00	11	66
	1053	00	04	45
	1055	00	14	53
	1060	00	02	18
	1059	00	17	13
	954	00	00	10
	948	00	00	75
	950	00	03	43
	944	00	00	57
	440	00	00	10
	439	00	00	86
	445	00	00	15
	438	00	07	32
	435	00	00	26
	446	00	01	50
	437	00	04	51
	436	00	02	73
	447	00	05	04
	448	00	00	10
	453	00	03	91
	452	00	03	14
	451	00	02	25
	450	00	04	43
	449	00	00	92

1	2	3	4	5
6) लेहँग	444	00	13	56
	459	00	18	22
	469	00	10	95
	471	00	33	46
	1378	00	03	51
	769	00	00	30
	776	00	05	09
	780	00	07	12
	781	00	03	30
	709	00	00	10
	707	00	00	61
	706	00	00	53
	703	00	00	73
	659	00	03	07
	702	00	00	14
	701	00	00	11
	663	00	15	03
	661	00	01	22
	662	00	00	10
	700	00	00	25
	670	00	05	66
	668	00	00	91
	669	00	03	61
	671	00	03	95
	649	00	05	28
	648	00	06	97
	647	00	09	40
	646	00	12	13
	634	00	01	62
	635	00	10	45
	645	00	01	68
	636	00	08	59
	960	00	00	27
	996	00	07	10
	991	00	05	24
	989	00	05	20
	988	00	03	31
	987	00	00	93
	986	00	05	57
	1003	00	04	11
	1004	00	13	04
	1010	00	02	81

1	2	3	4	5
6) लेहेंग (निरंतर)	1009	00	10	36
	1008	00	05	08
	1021	00	07	21
	1022	00	03	11
	1024	00	04	72
	1025	00	05	20
	1084	00	10	83
	1037	00	08	03
	1082	00	07	23
	1075	00	04	48
	1067	00	08	89
7) चुटीपलंग	595	00	00	17
	672	00	09	52
	671	00	10	49
	669	00	29	02
	659	00	11	03
	657	00	08	32
	660	00	00	44
	656	00	06	55
	625	00	13	01
	626	00	04	11
	650	00	10	27
	627	00	00	11
	355	00	11	58
	354	00	08	68
	175	00	00	45
	340	00	04	23
	338	00	02	84
	315	00	00	98
	337	00	08	89
	336	00	00	10
	317	00	13	96
	319	00	19	24
	300	00	00	10
	301	00	05	28
	241	00	07	94
	296	00	04	87
	247	00	01	81
	248	00	12	89
	252	00	03	85
	267	00	11	88
	268	00	01	30

1	2	3	4	5
7) चुटीपलंग (निरंतर)	269	00	00	10
	270	00	03	47
	272	00	05	14
	271	00	06	12
8) पनसावस्ता	698	00	00	25
	699	00	07	76
	291/700	00	14	23
	299/711	00	07	14
	297/707	00	02	30
	710	00	04	90
	298/708	00	08	12
	233/607	00	11	62
	229/603	00	13	32
	181/538	00	00	21
	207/575	00	17	96
	206/574	00	08	44
	182/539	00	06	55
	198/566	00	04	49
	197/565	00	11	18
	184/541	00	10	97
	186/543	00	21	46
	135/475	00	01	39
	134/474	00	24	91
	132/472	00	07	66
	125/465	00	00	10
	126/466	00	14	91
	130/470	00	38	10
	185/542	00	07	80

[फा.सं. एल.-14014/68/2010-जी.पी.]

ए. गोस्वामी, अवर सचिव

New Delhi, the 3rd January, 2012

S. O. 58.—Whereas by notification of Government of India in Ministry of Petroleum and Natural Gas number S.O. 95 dated 21th December, 2010, issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), Government of India declared its intention to acquire the Right of User in the land, specified in the Schedule appended to that notification for the purpose of laying Kakinada-Basudebpur-Howrah gas pipeline for transportation of natural gas from onshore terminal at East coast of Andhra Pradesh of M/s Reliance Industries Limited by M/s Relogistics Infrastructure Limited to the consumers in various parts of the country;

And whereas, the copies of the said Gazette notification were made available to the public on or before 26th May, 2011;

And whereas, the objections received from the public to the laying of the pipeline have been considered and disallowed by the Competent Authority;

And whereas, the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government of India;

And whereas, Government of India, after considering the said report and on being satisfied that the said land is required for laying the pipeline, have decided to acquire the Right of User therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, Government of India hereby declare that the Right of User in the land, specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, Government of India hereby direct that the Right of User in the said land for laying the pipeline shall, instead of vesting in Government of India, vest on the date of publication of the declaration, in M/s Relogistics Infrastructure Limited, free from all encumbrances.

Schedule

Mandal/Tehsil/Taluk:Begunia	District:Khorda	State:Orissa		
Village	Survey No./Sub-Division No.	Area to be acquired for RoU		
		Hec	Are	C-Are
1	2	3	4	5
1) Botalama	1137	00	02	88
	1138	00	05	75
	1140	00	07	13
	1141	00	07	36
	1142	00	07	70
	1143	00	06	66
	1144	00	06	03
	1145	00	03	78
	1147	00	00	10
	1149	00	14	64
	1071	00	08	23
	1072	00	01	06
	1064	00	00	54
	1065	00	10	36
	1066	00	17	23
	1058	00	00	73
	1067	00	08	43
	1068	00	12	75
	1056	00	04	35
	1053	00	09	09
	1054	00	02	55
	1052	00	07	26
	882	00	07	63
	884	00	00	36
	886	00	14	96
	885	00	04	63
	892	00	14	06
	899	00	28	53
	898	00	11	24
	919	00	00	56
	916	00	01	80
	675	00	02	74
	684	00	00	10
	677	00	01	23
	674	00	05	39
	547	00	06	51
	546	00	04	85

1	2	3	4	5
1) Botalama (Contd)	528	00	16	02
	548	00	09	98
	527	00	19	75
	550	00	13	00
	520	00	03	78
	561	00	04	53
	567	00	09	11
	569	00	00	44
	566	00	03	39
	573	00	01	75
	572	00	05	01
	571	00	00	74
	495	00	06	95
	494	00	01	46
	601	00	01	80
	600	00	07	41
	591	00	05	27
	590	00	02	84
	592	00	00	46
	593	00	03	46
	589	00	06	16
	588	00	02	35
	594	00	02	08
	587	00	00	61
	586	00	02	37
	627	00	08	07
2) Atharang	2110	00	00	23
	2112	00	01	94
	2113	00	00	52
	2119	00	02	39
	2120	00	01	75
	2121	00	03	61
	2126	00	02	78
	2125	00	08	10
	2144	00	02	28
	2164	00	06	85
	2156	00	00	26
	2158	00	01	20
	2160	00	05	74
	1770	00	01	16
	1769	00	09	32
	1768	00	01	31

1	2	3	4	5
2) Atharang (Contd)	1743	00	06	00
	1745	00	01	97
	1744	00	01	70
	1742	00	02	63
	1631	00	00	57
	1632	00	06	53
	1736	00	06	41
	1737	00	00	27
	1646	00	04	29
	1637	00	05	31
	1645	00	02	63
	1638	00	01	09
	1639	00	05	74
	1641	00	11	22
	1579	00	02	55
	1576	00	04	10
	1575	00	05	96
	1567	00	02	70
	1574	00	02	85
	1571	00	05	40
	1568	00	04	64
	1569	00	00	10
	1570	00	07	08
	1479	00	25	64
	1456	00	04	67
	1443	00	25	83
	1444	00	07	11
	1445	00	06	55
	1409	00	04	46
	1412	00	03	78
	1413	00	06	71
	1414	00	00	10
	1406	00	03	05
3) Ramachandrapur	1797	00	03	91
	1799	00	03	88
	1801	00	00	58
	1798	00	02	61
	1806	00	04	21
	1809	00	11	25
	1810	00	08	20
	1815	00	04	30
	1817	00	07	87

1	2	3	4	5
3) Ramachandrapur (Contd)	1816	00	01	10
	1818	00	03	19
	1834	00	08	43
	1821	00	03	56
	1823	00	01	48
	429	00	00	49
	430	00	05	48
	431	00	05	86
	433	00	02	89
	434	00	06	67
	407	00	00	51
	406	00	04	92
	405	00	04	15
	435	00	03	51
	383	00	05	40
	384	00	06	80
	382	00	08	72
	380	00	00	57
	381	00	03	13
	368	00	01	45
	369	00	02	32
	371	00	04	38
	370	00	00	55
	365	00	08	32
	367	00	01	12
	366	00	00	87
	360	00	02	43
	364	00	04	10
	362	00	01	13
	361	00	00	10
	313	00	01	03
	311	00	03	45
	310	00	00	92
	663	00	01	77
	665	00	16	40
	666	00	03	84
	667	00	07	73
	662	00	00	10
	309	00	00	95
4) Kapileswarpur	973	00	01	83
	978	00	04	64
	974	00	04	28

1	2	3	4	5
4) Kapileswarpur (Contd)	975	00	01	89
	977	00	03	34
	1108	00	05	88
	1109	00	02	89
	1107	00	07	91
	1100	00	05	65
	1101	00	01	89
	1097	00	06	26
	1095	00	02	83
	1091	00	03	33
	1093	00	01	22
	1092	00	03	92
	1082	00	15	23
	1038	00	06	89
	1137	00	00	40
	1035	00	04	10
	1175	00	05	60
	1177	00	16	50
	1178	00	02	28
	1176	00	03	46
5) Rautpara	3610	00	34	36
	3603	00	04	85
	3604	00	02	62
	3605	00	00	37
	3601	00	08	26
	3599	00	01	81
	3600	00	13	47
	3593	00	00	30
	3589	00	68	23
	3578	00	21	28
	3579	00	02	17
	3575	00	09	89
	3574	00	03	48
	3573	00	00	37
	3569	00	01	69
	3552	00	03	62
	3551	00	04	64
	3550	00	06	59
	3531	00	16	29
	3533	00	11	59
	2042	00	01	02
	2043	00	12	43

1	2	3	4	5
5) Rautpara (Contd)	2040	00	03	99
	2045	00	17	76
	2046	00	04	34
	2039	00	26	78
	2032	00	01	65
	2034	00	18	71
	2035	00	06	96
	2016	00	04	24
	2015	00	06	42
	2014	00	02	67
	2017	00	02	25
	2011	00	92	92
	2010	00	00	12
	2012	00	04	32
	2013	00	02	42
	1281	00	12	09
	1045	00	00	40
	1043	00	06	58
	1052	00	11	66
	1053	00	04	45
	1055	00	14	53
	1060	00	02	18
	1059	00	17	13
	954	00	00	10
	948	00	00	75
	950	00	03	43
	944	00	00	57
	440	00	00	10
	439	00	00	86
	445	00	00	15
	438	00	07	32
	435	00	00	26
	446	00	01	50
	437	00	04	51
	436	00	02	73
	447	00	05	04
	448	00	00	10
	453	00	03	91
	452	00	03	14
	451	00	02	25
	450	00	04	43
	449	00	00	92

1	2	3	4	5
6) Leheng	444	00	13	56
	459	00	18	22
	469	00	10	95
	471	00	33	46
	1378	00	03	51
	769	00	00	30
	776	00	05	09
	780	00	07	12
	781	00	03	30
	709	00	00	10
	707	00	00	61
	706	00	00	53
	703	00	00	73
	659	00	03	07
	702	00	00	14
	701	00	00	11
	663	00	15	03
	661	00	01	22
	662	00	00	10
	700	00	00	25
	670	00	05	66
	668	00	00	91
	669	00	03	61
	671	00	03	95
	649	00	05	28
	648	00	06	97
	647	00	09	40
	646	00	12	13
	634	00	01	62
	635	00	10	45
	645	00	01	68
	636	00	08	59
	960	00	00	27
	996	00	07	10
	991	00	05	24
	989	00	05	20
	988	00	03	31
	987	00	00	93
	986	00	05	57
	1003	00	04	11
	1004	00	13	04
	1010	00	02	81

1	2	3	4	5
6) Leheng (Contd)	1009	00	10	36
	1008	00	05	08
	1021	00	07	21
	1022	00	03	11
	1024	00	04	72
	1025	00	05	20
	1084	00	10	83
	1037	00	08	03
	1082	00	07	23
	1075	00	04	48
	1067	00	08	89
7) Chutipalang	595	00	00	17
	672	00	09	52
	671	00	10	49
	669	00	29	02
	659	00	11	03
	657	00	08	32
	660	00	00	44
	656	00	06	55
	625	00	13	01
	626	00	04	11
	650	00	10	27
	627	00	00	11
	355	00	11	58
	354	00	08	68
	175	00	00	45
	340	00	04	23
	338	00	02	84
	315	00	00	98
	337	00	08	89
	336	00	00	10
	317	00	13	96
	319	00	19	24
	300	00	00	10
	301	00	05	28
	241	00	07	94
	296	00	04	87
	247	00	01	81
	248	00	12	89
	252	00	03	85
	267	00	11	88
	268	00	01	30
	269	00	00	10
	270	00	03	47
		00	05	14
	271	00	06	12
8) Panasabasta	698	00	00	25
	699	00	07	76
	291/700	00	14	23
	299/711	00	07	14
	297/707	00	02	30
	710	00	04	90
	298/708	00	08	12
	233/607	00	11	62

1	2	3	4	5
8) Panasabasta (Contd)	229/603	00	13	32
	181/538	00	00	21
	207/575	00	17	96
	206/574	00	08	44
	182/539	00	06	55
	198/566	00	04	49
	197/565	00	11	18
	184/541	00	10	97
	186/543	00	21	46
	135/475	00	01	39
	134/474	00	24	91
	132/472	00	07	66
	125/465	00	00	10
	126/466	00	14	91
	130/470	00	38	10
	185/542	00	07	80

[F. No. L-14014/68/2010-G.P.]

A. GOSWAMI, Under Secy.

नई दिल्ली, 4 जनवरी, 2012

का. आ. 59.—भारत सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 96 तारीख 21 दिसंबर, 2010 द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में, मैसर्स रिलाएंस इन्डस्ट्रीज लिमिटेड के आन्ध्र प्रदेश में पूर्वी तट पर ऑनशोर टरमिनल से देश के विभिन्न हिस्सों में उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए, मैसर्स रिलोजिस्टिक्स इन्फ्रास्ट्रक्चर लिमिटेड द्वारा काकीनाडा- वासुदेवपुर-हावडा गैस पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और, उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 26 मई, 2011 को अथवा उससे पूर्व उपलब्ध करा दी गई थीं ;

और, पाइपलाइन बिछाने के सम्बन्ध में, जनता की ओर से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और अननुज्नात कर दिया गया;

और, सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन भारत सरकार को अपनी रिपोर्ट दे दी है ;

और, भारत सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह संतुष्ट हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चिय किया है ;

अत:, अब, भारत सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और, भारत सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से भारत सरकार में निहित होने के बजाए, सभी विल्लंगमों से मुक्त, मैसर्स रिलोजिस्टिक्स इन्फ्रास्ट्रक्चर लिमिटेड में निहित होगा।

अनुसूची

मंडल/ तेहसिल/ तालुक ः वेगुनीया	जिला ःखोरडा	राज्य ःओडिशा		
गाँव का नाम	सर्वे सं/सब डिविजन सं·	आर.ओ.यू-अर्जित करने के लिए क्षेत्रफल		
		हेक्टेयर	एयर	सि-एयर
1	2	3	4	5
1) अट्री	1760	00	04	05
	1758	00	02	14
	1763	00	08	37
	1754	00	04	28
	1753	00	03	14
	1746	00	06	08
	1733	00	05	78
	1726	00	05	59
	1217	00	11	94
	947	00	00	95
	944	00	05	24
	943	00	03	76
	951	00	11	03
	928	00	11	44
	926	00	00	47
	925	00	17	74
	921	00	04	24
	955	00	09	34
	957	00	02	93
	962	00	08	64
	961	00	01	12
	960	00	04	84
	968	00	05	15
	971	00	02	60
	970	00	03	14
	979	00	09	55
	982	00	04	22
	988	00	10	28
	1631	00	01	96
	1630	00	00	33
	1633	00	04	84
	1632	00	02	72
	1624	00	04	36
	1625	00	01	00
	1623	00	07	54
	1622	00	10	39
	1619	00	03	08

1	2	3	4	5
1) अटी (निरंतर)	1587	00	14	06
	1568	00	00	90
	1569	00	14	00
	1571	00	10	33
	1572	00	09	58
	1550	00	13	65
	1547	00	09	66
	1548	00	00	25
	1546	00	02	99
	1539	00	09	65
	1540	00	01	94
	1514	00	10	38
	1485	00	04	07
	1515	00	00	32
	1513	00	03	76
	1506	00	14	91
	1446	00	27	75
	1450	00	02	65
	1449	00	08	94
	1443	00	03	10
	1448	00	04	30
	1447	00	01	42
	1432	00	22	96
	1385	00	06	81
	1383	00	07	50
	1384	00	01	76
	1433	00	00	10
	1382	00	13	55
2) बघामरी	2971	00	14	55
3) लोकनाथपुर	332	00	06	16
	329	00	08	71
	318	00	04	99
	322	00	05	49
	316	00	08	66
	317	00	03	27
	315	00	01	58
	314	00	05	56
	313	00	01	66
	512	00	02	34
	526	00	05	79
	525	00	02	52
	527	00	02	38

1	2	3	4	5
3) लोकनाथपुर (निरंतर)	523	00	14	89
	529	00	01	02
	530	00	05	74
	545	00	04	69
	546	00	11	45
	232	00	03	89
	227	00	03	15
	220	00	02	62
	219	00	00	26
	209	00	23	73
	208	00	16	47
	172	00	13	32
	170	00	03	09
	171	00	02	82
	583	00	03	69
) सरूआ	571	00	00	14
	570	00	01	28
	567	00	04	61
	566	00	06	13
	563	00	00	70
	226	00	20	24
	21	00	07	96
	27	00	01	60
	28	00	02	56
) कथखुंटीया	8	00	11	27
	6	00	10	66
	1	00	09	72
	13	00	00	53
) पटनीवार	537	00	03	94
	543	00	02	72
	538	00	07	77
	539	00	11	46
	542	00	00	95
	540	00	03	34
	535	00	02	38
	533	00	06	19
	511	00	09	81
	491	00	03	90
	502	00	00	14
	494	00	02	98
	495	00	01	84
	469	00	05	22

1	2	3	4	5
6) पटनीबार (निरंतर)	470	00	16	82
	471	00	11	15
	465	00	00	27
	464	00	16	05
	453	00	08	11
	451	00	04	97
	435	00	00	10
	452	00	04	22
	449	00	04	42
	446	00	00	10
	439	00	00	10
	259	00	09	97
	351	00	00	10
	367	00	10	83
	355	00	00	10
	369	00	03	33
	370	00	13	33
	365	00	00	10
	372	00	00	39
	373	00	07	25
	374	00	00	20
	122	00	04	34
	123	00	05	90
	126	00	00	13
	128	00	04	60
	121	00	06	30
	129	00	01	91
	140	00	05	39
	139	00	03	90
	135	00	13	04
	131	00	01	13
	134	00	03	71
	136	00	00	78
	138	00	00	10
	137	00	00	20
	160	00	20	15
	105	00	04	41
	106	00	05	06
	87	00	10	13
	86	00	03	12
	84	00	03	44
मंडल/ तेहसिल/ तालुक ः खोरडा	जिला ःखोरडा	राज्य ःओडिशा		
1) कुंभीलो	2073	00	04	66

1	2	3	4	5
1) कुंभीलो (निरंतर)	2074	00	03	80
	2076	00	02	09
	2167	00	02	47
	2023	00	00	48
	2022	00	02	03
	2025	00	01	22
	2026	00	01	43
	2021	00	06	81
	2020	00	03	75
	2018	00	01	99
	829	00	05	81
	817	00	24	47
	1156	00	03	59
	1155	00	14	82
	1171	00	17	61
	1196	00	06	38
	1195	00	00	45
	1186	00	05	89
	1185	00	02	18
	1177	00	00	40
	1184	00	02	01
	1203	00	00	46
	1182	00	01	20
	1183	00	03	68
	1204	00	01	39
	1206	00	00	82
2) वसंता	296	00	13	33
	287	00	13	97
	284	00	01	17
	286	00	13	65
	288	00	30	05
	294	00	00	27
	293	00	05	95
	292	00	04	89
	289	00	00	82
	291	00	07	86
	306	00	12	65
	308	00	01	95
	307	00	04	13
	312	00	01	89
	314	00	01	13
	313	00	02	29

1	2	3	4	5
2) बसंता (निरंतर)	1047	00	01	77
	1043	00	00	96
	318	00	00	64
	1022/2107	00	01	45
	1021	00	04	78
	1023	00	00	10
	1020/2111	00	05	62
	1020	00	00	29
	1018	00	05	30
	1007	00	03	24
	1006	00	03	67
	341/995	00	00	10
	996	00	04	33
	989	00	00	10
	336/990	00	04	63
	332/981	00	05	00
	330/979	00	11	55
	318/967	00	00	44
	965	00	00	17
	939	00	00	10
	942	00	01	98
	298/941	00	04	09
	288/926	00	03	17
	287/923	00	07	33
	5/429	00	03	89
	430	00	05	10
	445	00	04	36
	79/556	00	03	90
	80/557	00	01	78
	78/555	00	01	35
	77/554	00	00	59
	85/563	00	00	10
	84/562	00	11	57
	86/566	00	07	09
	89/569	00	02	64
	247/816	00	00	35
	99/587	00	03	36
	100/588	00	04	77
	101/589	00	09	63
	245/814	00	01	87
	183/727	00	12	37
	243/811	00	02	43

1	2	3	4	5
2) वसंता (निरंतर)	186/732	00	08	89
	194/740	00	01	91
	193/739	00	03	01
	224/787	00	10	48
3) ब्रह्मणावेरेनी	832	00	11	84
	836	00	02	41
	881	00	02	62
	880	00	05	87
	879	00	04	18
	707	00	06	91
	710	00	01	00
	709	00	04	89
	346	00	15	45
	347	00	03	85
	349	00	08	56
	335	00	01	04
	375	00	10	43
	333	00	06	33
	331	00	09	27
	330	00	23	18
	321	00	00	92
	322	00	01	15
	323	00	04	84
	329	00	19	17
	390/1496	00	00	94
	328	00	00	43
	390/1495	00	02	72
4) हतासाही	305	00	08	01
	307/966	00	00	20
	303	00	06	38
	302	00	05	54
	310	00	03	13
	313	00	01	08
	299	00	00	11
	312	00	03	12
	406	00	08	20
	407	00	05	21
	424	00	00	17
	408	00	10	23
	423	00	11	45
	421	00	03	75
	416	00	01	18

1	2	3	4	5
4) हतासाही (निरंतर)	418	00	00	31
	412	00	02	76
	505	00	08	79
	502	00	11	60
	501	00	08	87
	494	00	05	88
	486	00	00	22
	481	00	03	22
	480	00	04	50
	483	00	06	92
5) कुआपुत	3087	00	17	69
	3088	00	03	22
	3089	00	01	41
	3092	00	01	13
	3093	00	03	22
	3094	00	04	36
	3095	00	00	57
	3118	00	04	09
	3119	00	00	10
	3160	00	09	46
	3172	00	00	95
	3165	00	06	79
	3166	00	02	49
	3171	00	14	83
	3180	00	01	20
	3231	00	09	18
	3230	00	00	51
	3232	00	08	64
	3226	00	01	72
	3233	00	05	83
	3234	00	01	90
	1723	00	01	74
	1721	00	04	93
	1725	00	02	86
	1726	00	00	14
	1720	00	05	56
	1803	00	14	73
	1244	00	00	31
	1083	00	01	98
	1098	00	07	35

1	2	3	4	5
5) कुआपुत (निरंतर)	1100	00	02	27
	1099	00	00	58

[फा.सं. एल.-14014/69/2010-जी.पी.]

ए. गोस्वामी, अवर सचिव

New Delhi, the 4th January, 2012

S. O. 59.—Whereas by notification of Government of India in Ministry of Petroleum and Natural Gas number S.O. 96 dated 21th December, 2010, issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), Government of India declared its intention to acquire the Right of User in the land, specified in the Schedule appended to that notification for the purpose of laying Kakinada-Basudebpur-Howrah gas pipeline for transportation of natural gas from onshore terminal at East coast of Andhra Pradesh of M/s Reliance Industries Limited by M/s Relogistics Infrastructure Limited to the consumers in various parts of the country;

And whereas, the copies of the said Gazette notification were made available to the public on or before 26th May, 2011;

And whereas, the objections received from the public to the laying of the pipeline have been considered and disallowed by the Competent Authority;

And whereas, the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government of India;

And whereas, Government of India, after considering the said report and on being satisfied that the said land is required for laying the pipeline, have decided to acquire the Right of User therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, Government of India hereby declare that the Right of User in the land, specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, Government of India hereby direct that the Right of User in the said land for laying the pipeline shall, instead of vesting in Government of India, vest on the date of publication of the declaration, in M/s Relogistics Infrastructure Limited, free from all encumbrances.

Schedule

Mandal/Tehsil/Taluk:Begunia	District:Khorda	State:Orissa		
Village	Survey No./Sub-Division No.	Area to be acquired for RoU		
		Hec	Are	C-Are
1	2	3	4	5
1) Atri	1760	00	04	05
	1758	00	02	14
	1763	00	08	37
	1754	00	04	28
	1753	00	03	14
	1746	00	06	08
	1733	00	05	78
	1726	00	05	59
	1217	00	11	94
	947	00	00	95
	944	00	05	24
	943	00	03	76
	951	00	11	03
	928	00	11	44
	926	00	00	47
	925	00	17	74
	921	00	04	24
	955	00	09	34
	957	00	02	93
	962	00	08	64
	961	00	01	12
	960	00	04	84
	968	00	05	15
	971	00	02	60
	970	00	03	14
	979	00	09	55
	982	00	04	22
	988	00	10	28
	1631	00	01	96
	1630	00	00	33
	1633	00	04	84
	1632	00	02	72
	1624	00	04	36
	1625	00	01	00
	1623	00	07	54
	1622	00	10	39
	1619	00	03	08

1	2	3	4	5
1) Atri (Contd)	1587	00	14	06
	1568	00	00	90
	1569	00	14	00
	1571	00	10	33
	1572	00	09	58
	1550	00	13	65
	1547	00	09	66
	1548	00	00	25
	1546	00	02	99
	1539	00	09	65
	1540	00	01	94
	1514	00	10	38
	1485	00	04	07
	1515	00	00	32
	1513	00	03	76
	1506	00	14	91
	1446	00	27	75
	1450	00	02	65
	1449	00	08	94
	1443	00	03	10
	1448	00	04	30
	1447	00	01	42
	1432	00	22	96
	1385	00	06	81
	1383	00	07	50
	1384	00	01	76
	1433	00	00	10
	1382	00	13	55
2) Baghamari	2971	00	14	55
3) Loknathpur	332	00	06	16
	329	00	08	71
	318	00	04	99
	322	00	05	49
	316	00	08	66
	317	00	03	27
	315	00	01	58
	314	00	05	56
	313	00	01	66
	512	00	02	34
	526	00	05	79
	525	00	02	52
	527	00	02	38

1	2	3	4	5
3) Loknathpur (Contd)	523	00	14	89
	529	00	01	02
	530	00	05	74
	545	00	04	69
	546	00	11	45
	232	00	03	89
	227	00	03	15
	220	00	02	62
	219	00	00	26
	209	00	23	73
	208	00	16	47
	172	00	13	32
	170	00	03	09
	171	00	02	82
	583	00	03	69
4) Sarua	571	00	00	14
	570	00	01	28
	567	00	04	61
	566	00	06	13
	563	00	00	70
	226	00	20	24
	21	00	07	96
	27	00	01	60
	28	00	02	56
5) Kathkhuntia	8	00	11	27
	6	00	10	66
	1	00	09	72
	13	00	00	53
6) Patnibar	537	00	03	94
	543	00	02	72
	538	00	07	77
	539	00	11	46
	542	00	00	95
	540	00	03	34
	535	00	02	38
	533	00	06	19
	511	00	09	81
	491	00	03	90
	502	00	00	14
	494	00	02	98
	495	00	01	84
	469	00	05	22

1	2	3	4	5
6) Patnibar (Contd)	470	00	16	82
	471	00	11	15
	465	00	00	27
	464	00	16	05
	453	00	08	11
	451	00	04	97
	435	00	00	10
	452	00	04	22
	449	00	04	42
	446	00	00	10
	439	00	00	10
	259	00	09	97
	351	00	00	10
	367	00	10	83
	355	00	00	10
	369	00	03	33
	370	00	13	33
	365	00	00	10
	372	00	00	39
	373	00	07	25
	374	00	00	20
	122	00	04	34
	123	00	05	90
	126	00	00	13
	128	00	04	60
	121	00	00	30
	129	00	01	91
	140	00	05	39
	139	00	03	90
	135	00	13	04
	131	00	01	13
	134	00	03	71
	136	00	00	78
	138	00	00	10
	137	00	00	20
	160	00	20	15
	105	00	04	41
	106	00	05	06
	87	00	10	13
	86	00	03	12
	84	00	03	44
Mandal/Tehsil/Taluk:Khorda	**District:Khorda**	**State:Orissa**		
1) Kumbhilo	2073	00	04	66

1	2	3	4	5
1) Kumbhilo (Contd)	2074	00	03	80
	2076	00	02	09
	2167	00	02	47
	2023	00	00	48
	2022	00	02	03
	2025	00	01	22
	2026	00	01	43
	2021	00	06	81
	2020	00	03	75
	2018	00	01	99
	829	00	05	81
	817	00	24	47
	1156	00	03	59
	1155	00	14	82
	1171	00	17	61
	1196	00	06	38
	1195	00	00	45
	1186	00	05	89
	1185	00	02	18
	1177	00	00	40
	1184	00	02	01
	1203	00	00	46
	1182	00	01	20
	1183	00	03	68
	1204	00	01	39
	1206	00	00	82
2) Basanta	296	00	13	33
	287	00	13	97
	284	00	01	17
	286	00	13	65
	288	00	30	05
	294	00	00	27
	293	00	05	95
	292	00	04	89
	289	00	00	82
	291	00	07	86
	306	00	12	65
	308	00	01	95
	307	00	04	13
	312	00	01	89
	314	00	01	13
	313	00	02	29

1	2	3	4	5
2) Basanta (Contd)	1047	00	01	77
	1043	00	00	96
	318	00	00	64
	1022/2107	00	01	45
	1021	00	04	78
	1023	00	00	10
	1020/2111	00	05	62
	1020	00	00	29
	1018	00	05	30
	1007	00	03	24
	1006	00	03	67
	341/995	00	00	10
	996	00	04	33
	989	00	00	10
	336/990	00	04	63
	332/981	00	05	00
	330/979	00	11	55
	318/967	00	00	44
	965	00	00	17
	939	00	00	10
	942	00	01	98
	298/941	00	04	09
	288/926	00	03	17
	287/923	00	07	33
	5/429	00	03	89
	430	00	05	10
	445	00	04	36
	79/556	00	03	90
	80/557	00	01	78
	78/555	00	01	35
	77/554	00	00	59
	85/563	00	00	10
	84/562	00	11	57
	86/566	00	07	09
	89/569	00	02	64
	247/816	00	00	35
	99/587	00	03	36
	100/588	00	04	77
	101/589	00	09	63
	245/814	00	01	87
	183/727	00	12	37
	243/811	00	02	43

1	2	3	4	5
2) Basanta (Contd)	186/732	00	08	89
	194/740	00	01	91
	193/739	00	03	01
	224/787	00	10	48
3) Brahmanabereni	832	00	11	84
	836	00	02	41
	881	00	02	62
	880	00	05	87
	879	00	04	18
	707	00	06	91
	710	00	01	00
	709	00	04	89
	346	00	15	45
	347	00	03	85
	349	00	08	56
	335	00	01	04
	375	00	10	43
	333	00	06	33
	331	00	09	27
	330	00	23	18
	321	00	00	92
	322	00	01	15
	323	00	04	84
	329	00	19	17
	390/1496	00	00	94
	328	00	00	43
	390/1495	00	02	72
4) Hatasahi	305	00	08	01
	307/966	00	00	20
	303	00	06	38
	302	00	05	54
	310	00	03	13
	313	00	01	08
	299	00	00	11
	312	00	03	12
	406	00	08	20
	407	00	05	21
	424	00	00	17
	408	00	10	23
	423	00	11	45
	421	00	03	75
	416	00	01	18

1	2	3	4	5
4) Hatasahi (Contd)	418	00	00	31
	412	00	02	76
	505	00	08	79
	502	00	11	60
	501	00	08	87
	494	00	05	88
	486	00	00	22
	481	00	03	22
	480	00	04	50
	483	00	06	92
5) Kuaput	3087	00	17	69
	3088	00	03	22
	3089	00	01	41
	3092	00	01	13
	3093	00	03	22
	3094	00	04	36
	3095	00	00	57
	3118	00	04	09
	3119	00	00	10
	3160	00	09	46
	3172	00	00	95
	3165	00	06	79
	3166	00	02	49
	3171	00	14	83
	3180	00	01	20
	3231	00	09	18
	3230	00	00	51
	3232	00	08	64
	3226	00	01	72
	3233	00	05	83
	3234	00	01	90
	1723	00	01	74
	1721	00	04	93
	1725	00	02	86
	1726	00	00	14
	1720	00	05	56
	1803	00	14	73
	1244	00	00	31
	1083	00	01	98
	1098	00	07	35
	1100	00	02	27
	1099	00	00	58

[F. No. L-14014/69/2010-GP.]

A. GOSWAMI, Under Secy.

श्रम और रोजगार मंत्रालय

नई दिल्ली, 7 दिसम्बर, 2011

का.आ. 60.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर-पूर्व रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 09/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-12-2011 को प्राप्त हुआ था ।

[सं. एल-41011/23/2006-आई आर (बी-I)]
रमेश सिंह, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 7th December, 2011

S.O. 60.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 09/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow, as shown in the Annexure, in the industrial dispute between the management of North Eastern Railway and their workman, which was received by the Central Government on 7-12-2011.

[No. L-41011/23/2006-IR(B-I)]
RAMESH SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT:

Dr. Manju Nigam, Presiding Officer

I.D. No. 09/2007

Ref. No. L-41011/23/2006-IR (B-I) dated : 11-4-2007

BETWEEN

The President,
North Eastern Railway Shramik Sangh,
96/196, Old Ganeshganj,
Lucknow

(Espousing cause of Shri Mahaveer)

AND

1. The Sr. Section Engineer (Railpath),
   North Eastern Railway,
   Sitapur (U.P.)
2. The Assistant Engineer,
   North Eastern Railway,
   Sitapur (U.P.)

AWARD

1. By order No. L-41011/23/2006-IR (B-I) dated 11-4-2007 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between the President, North Eastern Railway Shramik Sangh, 96/196, Old Ganeshganj, Lucknow (Espousing cause of Shri Mahaveer) and the Sr. Section Engineer (Railpath), North Eastern Railway, Sitapur (U.P.) & the Assistant Engineer, North Eastern Railway, Sitapur for adjudication.

2. The reference under adjudication is :

"KYA PRABANDAHAN PUROTTAR RAILWAY, SITAPUR DWARA SHRI MAHAVEER PUTRA SHRI RAM NIHOR PRAVAR GANGMAN KO POORV MAIN DINANK 16-2-98 KO GANGMAN SE ARTISAN KHALASI/HELPER NA BANAKAR USE LOHAAR KE PAD PAR PADDONNAT NA KIYA JANA NAYYOCHIT EVAM VAIDH HAI ? YADI NAHI TO KAAMGAAR KIS RAAHAT KO PANE KA ADHIKAARI HAI ?"

3. The case of the workman's union, in brief, is that the workman, Mahaveer was employed under opposite party No. 2 for carrying out casual work on 20-8-78 and was discontinued w.e.f. 16-10-78 and later was employed as Khalasi on 18-1-85. It has been submitted by the workman's union that the workman worked continuously up to 4-12-85 for 240 days and also 120 days in four months and also that he was given time scale from 16-7-86 and accordingly he worked up to 18-2-98 as time scale Gang man. It has further been submitted by the workman's union that the workman was made permanent against the post of Gang man on 16/19-2-98 after screening and he continued on said post till 30-9-2003. It has been alleged by the workman's union that the workman has been performing duties of post of Hammer man since 16-1-85; but he has been given the pay and the post of Gang man, which is violative of provisions of labour laws. In para 11 of the statement of the claim the workman's union has alleged that the management has promoted various junior workman viz. Shri Arun Kumar, Guru Charan, Bhagwan Din, Vikramaditya etc., after changing the channel of promotion, from Gang man to Artisan Khalasi and then to the post of Lohaar (Hammer man). It has further submitted that the railway administration has not given any heed to his representations and accordingly, has prayed that the management of the railways be directed to give the workman concerned all the benefits in respect of post of Hammer man, treating him to be promoted w.e.f. 16-2-98.

4. The management of the railway has filed its written statement, denying the claim of the workman's union; wherein it has submitted that the workman was given time scale w.e.f. 16-7-86, after completion of 120 days as Casual Labour and the workman neither performed duties of Khalasi nor he was ever directed by any Competent Authority in the North Eastern Railway to work as Hammer man at any

point of time. Further the management has submitted that the workman being a workman is not eligible for selection to the post of Hammer man, as per rules, as such, no irregularity whatsoever has ever been committed by the management of railways. It has further submitted that since the workman was appointed on the post of Trackman, accordingly, he was given promotion available to the Trackman as per his eligibility, in conformity with the rules and the management has denied that any workman junior to the workman had been promoted to the post of Hammer man. It has specifically submitted that Shri Arun Kumar, Guru Charan, Bhagwan Deen and Vikramaditya are not working in the unit the workman is working. Accordingly, the management has prayed that the claim of the workman's union be rejected without any relief to the workman concerned.

5. The workman's union has filed its rejoinder on 22-5-2009; wherein it has not brought any new fact apart from reiterating the averments already made by it in its statement of claim.

6. The workman's union has filed photocopy of certain documents in support of its claim vide list of documents dated 1-11-2010, paper No. W-18, which includes photocopy of casual labour card, office orders and official correspondence etc. He has not filed any original document.

7. After filing documents by the workman's union, next date 15-12-2010 was fixed for admission/denial of workman's union documents by the opposite party but none turned up from the railways and 20-1-2011 was fixed. None turned up from either parties on 20-1-2011 & 4-3-2011. On 4-3-2011 the workman's union was directed to file its evidence; but again none appeared from either parties on 29-4-2011 & 8-6-2011. When the workman's union did not file its evidence on 8-6-2011, it was presumed that it is not interested in filing its evidence; and accordingly next date 4-8-2011 was fixed for management's evidence. On 4-8-2011 the authorized representative of the workman's union was present; but he neither moved any application to recall order dated 8-6-2011 nor did he turn up on the next date fixed i.e. on 28-9-2011. The parties remained absent on 28-9-2011 and accordingly, 21-10-2011 was fixed for arguments. On 21-10-2011, again, none turned up from either parties, therefore, looking into the reluctance of the parties to contest the case and long pendency of the case, since year 2007, the file was reserved for award.

8. It was the case of the workman's union that the workman has been performing duties of post of Hammer man since 16-2-98; but he has been given pay and post of Gang man, in violation of the provisions of labour laws. The workman's union has filed photocopy of certain documents in support of his contention; but has not proved them. He has also not entered the witness box to substantiate his version.

9. Per contra, the management of the railway has disputed the claim of the workman's union and has submitted that the workman neither performed duties of Khalasi nor he was ever directed by any Competent Authority in the North Eastern Railway to work as Hammer man at any point of time. Further it has also been contended by the management that the workman being a workman is not eligible for selection to the post of Hammer man, as per rules. The management has not filed any document to support its version.

10. I have scanned entire, evidence on record. The workman's union vide para 8 of his statement of claim has submitted that the workman has been performing duties of Hammer man ever since date of his re-engagement i.e. 16-1-85; and accordingly, has prayed that the workman be given benefits of post Hammer man, treating him promoted w.e.f. 16-2-98; but for this, it was incumbent upon the workman to lead an evidence to the effect that he actually performed the duties of Hammer man under directions of some competent authority.

11. It is well settled that if a party challenges the legality of order, the burden lies upon him to prove illegality of the order and if no evidence is produced by the party, invoking jurisdiction of the court, must fail. In the present case burden was on the workman's union to set out the grounds to challenge the validity of the attitude of the management of railways regarding taking from him the work of Hammer man and depriving him of benefits of said post. It was the case of the workman's union that the workman has been deprived of the fruits of the post for which he was performing his duties, in violation of the labour laws. This claim has been denied by the management; therefore, it was for the workman's union to lead evidence to show that the alleged injustice was being done to the workman.

12. In 2008 (118) FLR 1164 M/s. Uptron Powertronics Employees' Union, Ghaziabad through its Secretary vs. Presiding Officer, Labour Court (II), Ghaziabad & others, Hon'ble High Court relied upon the law settled by the Apex Court in 1979 (39) FLR 70 (SC) Sanker Chakravarti vs. Britannia Biscuit Co. Ltd., 1979 (39) FLR 70 (SC) V. K. Raj Industries v. Labour Court and others, 1984 (49) FLR 38 Airtech Private Limited v. State of U.P. and others and 1996 (74) FLR 2004 (Alld.) Meritech India Ltd. v. State of U.P. and others; wherein it was observed by the Apex Court :

> "that in absence of any evidence led by or on behalf of the workman the reference is bound to be answered by the Court against the workman. In such a situation it is not necessary for the employers to lead any evidence at all. The obligation to lead evidence to establish an allegation made by a party is on the party making the allegation. The test would be, who would fail if no evidence is led."

13. In the present case the workman's union has not turned to substantiate its case by way of filing any oral

evidence. Merely pleadings are no substitute for proof. It was obligatory on the part of workman's union to come forward with the case that work of post of Hammer man was being taken from the workman; and he has been denied of the benefits of the post; but the workman's union failed to forward any substantive evidence in support of its claim, as it did not turn up for filing its evidence before this Tribunal. There is no reliable material for recording findings that the alleged injustice was done to the workman or the action of the management of North Eastern Railway, Sitapur in not promoting the workman, Mahaveer from Gangman to Lohaar (Hammer man) w.e.f. 16-2-98 was illegal and unjustified.

14. Accordingly, the reference is adjudicated against the workman's union, and as such, I come to the conclusion that the workman, Mahaveer is not entitled to any of the relief(s) claimed by him.

15. Award as above.

Lucknow
28-11-2011

Dr. MANJU NIGAM, Presiding Officer

नई दिल्ली, 7 दिसम्बर, 2011

का. आ. 61.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 199/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-12-2011 को प्राप्त हुआ था ।

[सं. एल-12025/01/2011-आई आर (बी-1)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 7th December, 2011

S.O. 61.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 199/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 7-12-2011.

[No. L-12025/01/2011-IR (B-I)]
RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT:

Shri Ved Prakash Gaur, Presiding Officer

Dated the 18th day of November, 2011

Industrial Dispute L.C. No. 199/2004

BETWEEN:

Sri B. Mohan Rao,
S/o Sri Pentaiah,
R/o Kanakamthavari Street,
Gandhinagar, 15th Ward,
Eluru, West Godavari District ... Petitioner

AND

1. The Branch Manager,
   State Bank of India,
   Chintalapudi,
   West Godavari District
2. The Chief Manager,
   State Bank of India,
   Zonal Office, Labbipet,
   Vijayawada, Krishna District ... Respondent

APPEARANCES :

For the Petitioner : M/s. Ch. Indrasena Reddy & D. Vilas, Advocates

For the Respondent : M/s. B. G. Ravindra Reddy, B. V. Chandra Sekhar & P. Srinivas, Advocates

AWARD

1. This petition has been filed by Sri B. Mohan Rao an ex. Employee of State Bank of India under Sec. 2A (2) of the I.D. Act, 1947 challenging the order of his oral termination and to reinstate him in the service with full back wages and service benefits.

2. It has been alleged by the Petitioner that he worked in the army from 1978 to 1995 and retired from Army on 31-12-1995. Thereafter he was appointed as guard by 1st Respondent through Sainik Board on 23-3-2001 and he put in unblemished record of service till oral termination of his service w.e.f. 31-8-2002 without following the provisions of Sec. 25F of Industrial Disputes Act, 1947. The Petitioner has worked for more than 282 days but no retrenchment compensation was provided to him before terminating the services though he was appointed on regular basis, the action of management is arbitrary, illegal, unjust and violative of principles of natural justice.

3. The Respondents have filed their counter affidavit stating therein that the Petitioner was appointed on only temporary basis. He had put in only 9 days of service on 31-3-2001. Since he was taken for a short period, the question of giving any notice to him does not arise. The Petitioner was not selected by the bank for appointment to the post of Guard. No violation has been done by the management. Petition is devoid of any merit and hence it may be dismissed.

5. Parties were directed to lead evidence. Petitioner Sri B. Mohan Rao has filed his affidavit as examination in chief and has marked Ex. W1 to W13. Management has not filed any evidence. Management's evidence was forfeited.

6. On 8-7-2010 Petitioner has moved a petition to re-open the case on the basis of an affidavit filed by him. In this affidavit he has stated that he has been reinstated in the service without continuity in the service, back wages and attendant benefits has not been granted by the management. The case was re-opened by the order dated 8-7-2010 and it was directed that Petitioner is free to put up this case before this Tribunal on 13-9-2010. However, the Petitioner did not appear after 13-9-2010 onwards as such, this Tribunal has no other option but to pass order on the material available before this Tribunal.

7. According to the own memo of the Petitioner he has been reinstated in the service as such, there is no question of ordering reinstatement of the Petitioner since the Petitioner has not filed reinstatement order before this Tribunal. This Tribunal is unable to arrive at any conclusion regarding back wages and other consequential benefits.

8. Since Petitioner has been reinstated in the service, the petition has become infructuous and it is disposed of as infructuous on the ground that the relief sought by the Petitioner has already been given to him. Hence, this award.

Award passed accordingly, Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 18th day of November, 2011.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
WW1 : Sri B. Mohan Rao	MW1 : NIL

Documents marked for the Petitioner

Ex. W1	:	Service certificate by B.M., State Bank of India dt. 3-9-2002 for WW1
Ex. W2	:	Service certificate by B.M., State Bank of India dt. 8-1-2002
Ex. W3	:	Service certificate by B.M., State Bank of India dt. 21-8-2001
Ex. W4	:	Interview card issued by 2nd Respondent dt. 26-12-2001
Ex. W5	:	Ex-Servicemen identity card of WW1
Ex. W6	:	Identity card issued by Zilla Sainik Welfare Officer to WW1
Ex. W7	:	Copy of requisition for appointment in casual vacancies by State Bank of India to the District Sainik Board dt. 31-1-2001
Ex. W8	:	Copy of list of Ex. Servicemen candidates for the post security guard sent by Zilla Sainik Welfare Officer dt. 26-2-2001
Ex. W9	:	Copy of reply notice received from Respondent's counsel dt. 23-1-2004
Ex. W10	:	Copy of Lr. No. F. No./RVC/6074 dt. 11-12-2002
Ex. W11	:	Copy of Lr. No. RC. No. 253/2001-C dt. 26-2-2001
Ex. W12	:	Copy of Lr. No. F. No. 201/6/87-SCT (B) dated 30-3-87 from Directorate General Resettlement, Government of India, Ministry of Defence, New Delhi
Ex. W13	:	Copy of list of Ex. Servicemen

Documents marked for the Respondent

NIL

नई दिल्ली, 8 दिसम्बर, 2011

का. आ. 62.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 1276/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-12-2011 को प्राप्त हुआ था ।

[सं. एल-12012/143/1998-आई आर (बी-1)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 8th December, 2011

S.O. 62.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 1276/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 2-12-2011.

[No. L-12012/143/1998-IR (B-I)]
RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

PRESENT:

Binay Kumar Sinha, Presiding Officer, CGIT-cum-Labour Court, Ahmedabad

Dated the 15th November, 2011

Reference : CGITA of 1276 of 2004 New

Reference : ITC 3/1999 (Old)

Deputy Manager,
State Bank of India,
Nr. Old Bus Stand,
Tal. Chikhli,
Distt. Navsari-396521 ... First Party

And their Workman

Shri Dilip Kumar M. Dhimar,
Dhimar Street, Gandevi,
Distt. : Navsari-396360 ... Second Party

For the First Party : Shri Jaywadan, B. Jariwala, Advocates

For the Second Party : Shri B.I. Kazi, Advocates, (But not appear to argument stage)

Shri I. A. Shaikh, Secretary, Adarsh General Kamdar Union

AWARD

A dispute between the employers in relation to the management of State Bank of India and their workman Shri Dilip Kumar, M. Dhimar was raised in connection with terminating/discontinuing the services of the workman and when the matter was put up before the Conciliation Officer, the efforts of conciliation failed and the failure report submitted to the Appropriate Government whereby the Appropriate Government, Government of India, Ministry of Labour & Employment, Shram Shakti Bhavan, Rafimarg, New Delhi-110001 by its order No. L-12012/143/1998-IR (B-I) dated 31-12-1998 under sub-section 2 (A) of sub-section (1) clause (d) of Section (10) of the ID Act, 1947 referred the dispute for adjudication, formulating the terms of reference as per schedule which is as follows :

SCHEDULE

"Whether the action of the management of State Bank of India, Chilkali Branch, District Navsari no terminating/discontinuing the services of Shri Dilip Kumar, M. Dhimar as 'Messenger' w.e.f. 19-4-1997 is legal and justified ? If not, to what relief the concerned workman is entitled ?"

2. Notices were issued to the parties to this case and both party appeared and filed their pleadings.

3. Second party submitted his statement of claim at Ext. 5 pleading inter-allia that he was appointed as Messenger by the first party Bank w.e.f. 24-12-1995 and he worked till 19-4-1997 and has peen paid monthly wages. He was terminated by oral order of the first party by Branch Manager of Chikhli Branch without any legal reason or cause. Whereas he has put in continuous services of 1 year 4 month and 25 days without any breakage and interruption. It has been alleged that he has not been paid any legal dues at the time of termination/notice pay, retrenchment compensation, leave wages etc. and thus the first party has committed the breach of Section 25 (F) of the ID Act. The first party has not issued any show cause notice or chargesheet or has also not conducted any enquiry against him (second party) for any so called misconduct. Further case is that after terminating him from the services the first party has appointed Shri S. C. Patel as Messenger w.e.f. 21-4-1997 and before appointing the S. C. Patel the second party has not been recalled by the Bank and thus first party has also violated the provision of Section 25 (H) of the ID Act. Further case is that total tenure of service of the second party has been unblemished, clean and to the satisfaction of the first party Bank. On this score it has been alleged that the action of terminating him from the service by an oral order w.e.f. 19-4-1997 is void, illegal and unjustified. Further case is that the second party has applied to the first party for his reinstatement with full back wages and continuity of service and on consequential benefits in the original post by an application dated 8-9-1997 which was received by the first party but it was not considered by first party and then the matter was brought before the Conciliation Officer (ALC Central) and the first party Bank did not ready to withdraw the order of termination and failure report was sent to the Appropriate Government on 27-3-1998. On these grounds prayer has been made to declare the termination of second party is illegal, unlawful, unreasonable and inoperative with further relief for reinstatement of second party with continuity of service and full back wages and other consequential benefit and also for awarding with cost and to any other relief to which the second party may be found entitled.

4. The first party also filed written statement at Ext. 11 against the statement of claim of the second party contending inter-alia that the first party is not an Industry as per definition of Section 2 (J) of the ID Act and so, this tribunal has not jurisdiction to entertain this reference, second party has no cause of action. And so, the references is not maintainable and that this reference also suffer from misjoinder of parties and non-joinder of the parties and that second party was working as a Messenger which is outside preview of workman as defined under section 2 (s) of the ID Act. The first party have denied all the para of the statement of claim and has stated that the second party has to strict prove of the fact which has been specifically denied by the first party. The case of the first party is that the second party workman was engaged purely on temporary and adhoc basis as Messenger looking to the need of the Bank and exigency prevailing at the time of engagement. There was a clear understanding with the second party that he is engaged only on temporary and adhoc basis and accordingly as and when there is no need his services will be dispensed with without any notice and without making any procedure. Further case is that the second party was not engaged after due procedure like written test, interview etc. Whereas first party employs permanent employee only after observing such procedure as fix by the higher authorities for the selection of such class of employee. But in case of second party looking to the need of the Bank he was appointed on a temporary basis by Branch Manager who is having such power to engage casual and temporary employees. First party use to pay second party daily wages for the number of the days for which he gives his service to the Bank. No appointment order was even issued to the second party

looking to the casual nature of the employment. Daily wages was paid to the second party by obtaining a signature on voucher. As per clear understanding the second party was require to serve as per the need of the Bank. His services was dispense with effect on 19-4-1997 by oral order as per the terms of the employment. Second party was not employed as permanent employee of the first party Second party had never rendered continuous service of one year as laid down under Section 25 (F) of the ID Act. And so, issuing notice and observing other condition precedent as laid down under Section 25 (F) are not necessary. Legal ground has been taken that recently Hon'ble Supreme Court has held in many case that in case of temporary, casual and daily wages employee Section 25 (F) of ID Act is not require to be observe and therefore termination will never amount to retrenchment under the ID Act. And such guile lines also disentitle to the second party to get any relief which he has claimed under the statement of claim at para No. 14. On this score prayer has been made that the reference of the second party is not tenable and is fit to be dismissed with cost.

5. In view of the pleadings of the parties the following issues are framed for discussions and considerations in this case.

ISSUES

(I) Is the reference maintainable ?

(II) Has the second party got valid cause of action ?

(III) Whether there was a relation of employer or employee in between the first and second party ?

(IV) Whether the second party has completed 240 days of work in preceding calendar year prior to his alleged termination ?

(V) Whether the second party is entitled to get relief as prayed for ?

(VI) Whether the action of the management of SBI (first party) in terminating/discontinuing the services of second party workman w.e.f. 19-4-1997 is legal and justified ?

(VII) What order required in this case ?

FINDINGS

6. **Issue Nos. III, IV & V**

These issues are taken up for discussions and considerations since they are interlinked. The second party workman had adduced documentary evidence to support his claim. Besides the second party workman examined himself in support of the claim. Ext. 16 is a certificate dated 12-5-1997 granted by the Branch Manager of SBI Chikhli to the effect that Shri Dilip Kumar M. Dhimar has worked as messenger at this branch during the period dated 24-12-1996 to 19-4-1997 also incorporating that the above particulars have taken from the Branch books and the certificate issued at the request of the applicant. Ext. 17 series which are in 5 numbers are the Xeros copy of Bank vouchers dated 31-1-1996, 29-2-1998, 1-5-1996, 4-4-1996 and one voucher date not legible. Through these vouchers, wages of the second party were paid which contains the name of the second party workman Dilip Kumar M. Dhimar. At Ext. 24 is original certificate dated 3-5-1997 issued by the Branch Manager, Gandevi, Distt. Valsad to the second party workman Dilip Kumar M. Dhimar incorporating the details that he had temporarily worked at branch in the following capacity with the particulars in this certificate. It has been incorporated that he worked for 10 days in March 1984, 8 days in April 1984, 4 days in May–1984, 3 days in June–1984, 3 days in August 1984, 7 day in October–1984, 23 days in January–1995, 21 days in February–1985, 4 days in March–1985, as watchman and that as messenger he (second party) worked for 1 day in January–1984, 3 days in June–1984, 1 day in July–1984, 12 days in September–1984, 2 days in November– 1984 and 7 days in December–1984 total 109 days. At Ext. 25 letter of Shri S. T. Vedalkar Branch Manager, SBI, Gundevi Branch, Distt. Valsad which is a Misc. letter No. 123 dated 21-9-1992 addressing to Dilip Kumar M. Dhimar through which the second party workman Shri Dilip Kumar M. Dhimar was appointed as temporary part time sweeper-cum-waterman at Gundevi Branch office for a period of 85 days ending 14-12-1992 w.e.f. 21-9-1992 on a salary of Rs. 611.25 (3/4 of Rs. 815) per month, plus allowances and subject to following terms :

(i) The appointment is purely a temporary one for the period specified above but may be terminated earlier at the Bank's discretion, without assigning any reason therefor.

(ii) The employment, unless by written order extended or terminated earlier, shall come to an end on the expiry of the aforesaid period i.e. with the close of business on 14-12-1992.

(iii) This temporary appointment, which is made on account of sudden exigencies, will not confer on Shri Dilip Kumar M. Dhimar right to claim for absorption in the Bank's permanent establishment in any category. This letter was received by the second party workman in the original and the second party had agreed to the above terms and conditions of his appointment. Besides the aforesaid documents as discussed above, the workman also made his oral deposition at Ext. 20. He was cross-examined at length by the lawyer of the first party. During cross-examination he admitted that he is not possessing any such papers to show that he worked for 240 days in a calendar year and he also admitted that on the need of works in the branch he was deployed for the work. He also

admitted that he had been appointed as daily rated labourer and getting his wages according to days of his work in a month through voucher. From scrutinizing the documents and the oral evidences of the workman it is admitted fact that the second party workman had worked as messenger as daily wager in Chikhli Branch of SBI, Distt. Valsad. Ext. 16 does not clearly go to prove that during the period 24-12-1995 to 19-4-1997 he continuously worked in the said branch for more than one year because Ext. 17 series go to discard such claim of the workman as taken at para 5 of his statement of claim that he work continuously for 1 year 4 months and 25 days without any breakage or interruption at Chikhli Branch. There are only 5 vouchers regarding payment of Rs. 2567/60 in January–1996, 2567/60 in February–1996, 2595/60 in May–1996 and 2567/60 in April–1996 and 2445/60 wages for another month. These Ext. 17 series do not go to connect regarding such claim of the workman that he continuously woked for 1 year 4 months and 25 days in Chikhli Branch. More so, the second party Dilipkumar M. Dhimar in his oral deposition at Ext. 20 has admitted during cross-examination by the first party that on requirement of work his service was being taken as a daily wager. Further Exts. 24 and 25 which the second party himself have produced as a documentary evidence also go to discard his claim and go to show that he had been deployed as temporary part time sweeper-cum-waterman only for 85 days on 14-12-1992 in the Gundevi branch of SBI, Distt. Valsad his letter of engagement as per Ext. 25 go to show that his appointment at Gundevi branch was purely on temporary basis for the specified period and his service was to be dispensed with without assigning any reasons on the Bank's discretion and that temporary appointment made on sudden exigency will not confirm Shri Dilipkumar M. Dhimar any right to claim for absorption in Bank's permanent establishment in any category. Ext. 24 is the total period of work of Shri Dilipkumar M. Dhimar at Gundevi Branch of SBI, Distt. Valsad which comes to 109 days. So, it is evident prior to the second party's engagement as a daily rated/temporary messenger at Chikhli Branch, he had been engaged on a temporary, part time Sweeper-cum-Waterman at Gundevi Branch for 85 days and he also worked in the Gundevi Branch as daily rated watchman and messenger for a total period of 109 days from March–1984 to March–1985. So, Exts. 24 and 25 do not go to prove that while working in Gundevi Branch the second party workman had ever completed 240 days of work in any precedent calendar year. So, is case with second party's engagement as a messenger on purely temporary basis on account of exigency of work in the branch at Chikhli of SBI, Distt. Valsad. Ext. 16 does not conclusively go to prove that the second party workman has continuously work from 24-12-1995 to 19-4-1997 rather the certificate go to show that during that period he worked as temporary, daily rated messenger and his services was taken in exigency of work and Ext. 17 series go to show that according to the calculation of daily works, payment of wages was being made to him through vouchers. There are no other vouchers to show that the second party workman had worked all the working days in a month so that it could be calculated that he completed 240 days of work in preceding calendar year.

7. The first party has cross-examined the second party workman at length and appears to have gained to some extent. The first party has not adduced oral or documentary evidence in this case. On the other hand though the second party adduced both oral and documentary evidence in this case but there is no clear connectivity and relevancy of the documentary evidences. Likewise the oral evidence of the second party workman what he deposed in his examination-in-chief have been demolished to some extent during cross-examination by the first party.

8. On behalf of the second party Shri I. A. Shaikh, Union Secretary has pointed out towards the written argument dated 12-4-2006 that as per Ext. 16 certificate granted by Bank Manager it is proved that the second party has put in more than 240 days of attendance in preceding 12 months of termination of service w.e.f. 19-4-1997 and so retrenchment notice or notice pay in lieu of retrenchment was must under provision of Section 25 (F) of the ID Act. It has been further submitted that the first party has not proved any gainful employment of the second party and there is no regular income of the second party. During argument on behalf of the second party the case law of Yelatti R. M. and Assistant Executive Engineer reported in 2006 –1 LLJ 442 of the Supreme Court has been cited wherein it has been held that the burden of prove to show that he worked for 240 days is on the claimant (workman). It has been further pointed out that the certificate granted as per Ext. 16 go to show that the second party workman has worked for more than 240 days of work in preceding calendar year and so now the onus has shifted upon the first party management to discard such certificate at Ext. 16 that it does not go to prove that the second party workman had actually worked for 240 days during that period. In his argument learned

representative of the second party has submitted that since the workman has completed 240 days of work in Chikhli Branch in the preceding year so he is entitled for his reinstatement with full back wages and continuity in service. On behalf of the first party its lawyer did not appear to argue out the case. Further it has to be borne-in-mind that there has been many changes in the decision of the Hon'ble Apex Court regarding daily rated or casual workers or even temporary trying to their back door entry and such claim of the daily wagers, casual workers have been discarded by the Apex Court for their claim of absorption/regularisation. In the case law Secretary' State of Karnataka and other V/s Umadevi and others AIR 2006 SC 106—2006 (4) Supreme Court cases page 1 it has been held. More so, in a Division Bench judgment of the Hon'ble Supreme Court in the case of Senior Superintendent Telegraph (Traffic Bhopal) V/s Santosh Kumar Seal reported in 2010 (0) GLHEL-SC 48285, it has been held "award of reinstatement with full back wages in a case where the workman has completed 240 days of work in a year preceding date of termination, particularly daily wager has not been found to be proper by this court and instead of compensation has been awarded. This court distinguished between the daily wager who does not hold a post and a permanent employee" so, even if it is presumed for the sake of argument that as per Ext. 16 the certificate granted by the Branch Manager (first party Bank) the second party workman Shri Dilipkumar M. Dhimar has completed 240 days of work in preceding year at Chikhli Branch this does not itself enable to second party workman for claiming his reinstatement with continuity in service and back wages because in fact the appointment of the second party was as daily wager Messenger required to do works in need at the Chikhli Branch and that the second party workman was not holding the post like a permanent employee rather his status was of a daily wager.

9. Upon consideration of all the facts and circumstances and also the case law as discussed above, I find and hold that the status of the second party workman Shri Dilipkumar M. Dhimar was that of a daily wager and as per Ext. 16 he is said to have completed 240 days of work at Chikhli Branch. So, there was a relationship of employer and employee in between the first and second party. It has to be held further that though the second party has completed 240 days of work during his tenure of work at Chikhli Branch but by virtue of this he is not entitled for relief of reinstatement with continuity in service and other consequential benefits rather at best lum sum of amounts of compensation only be considered to be payable by the first party to the second party. Accordingly Issue No. III is decided in affirmative, issue No. IV is also decided in affirmative and issue No. V is decided accordingly that the workman is not entitled for his reinstatement and consequential benefits rather he is entitled for compensation according to his period of work at Chikhli Branch.

10. **Issue No. VI**

As per findings given in the foregoing paragraphs, it is further held that the action of the management of State Bank of India, Chikhli Branch is dis-continuing service of Shri Dilipkumar M. Dhimar as messenger w.e.f. 19-4-1997 as per terms of employment of the second party with the first party because the second party has been deployed as daily wager, casual worker and so rules of the permanent employee was not applicable with respect to the second party. So, the action of the management of State Bank of India cannot be questioned in dispensing with the service of the workman w.e.f. 19-4-1997 and it cannot be questioned as illegal and unjustified ? But since there had been relationship of employer and employee between the parties and the second party has also completed 240 days of work and so the first party was required to pay the retrenchment compensation or notice pay under provision of Section 25 (F) of the ID Act, 1947. This issue is accordingly decided.

11. **Issue Nos. I & II**

In view of the findings given in the foregoing paragraphs to issue Nos. III, IV, V & VI, I further find and hold that this reference is maintainable and the second party workman has got valid cause of action in this case.

12. **Issue No. VII**

The second party workman is not entitled for his reinstatement to the post upon which he was working, likewise the second party workman is not entitled in his continuity in service or for any consequential benefits or any part of the back wages. Further considering the aspects that the workman has completed 240 days preceding to his oral termination or dispensing with his service w.e.f. 19-4-1997 he is entitled for a lumpsum compensation of Rs. 10,000 from the first party.

This is my award.

Accordingly, this reference is allowed in part but without any cost.

The first party is directed to pay Rs. 10,000 as a compensation to the second party within 2 months from the date of publication of this award failing which the amount will carry interest @ 9% per annum.

Let copies of the award be sent to the Appropriate Government for publication and needful.

BINAY KUMAR SINHA, Presiding Officer.

नई दिल्ली, 8 दिसम्बर, 2011

का.आ. 63.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद के पंचाट (संदर्भ संख्या 33/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-12-2011 को प्राप्त हुआ था ।

[सं. एल-12012/102/2010-आईआर(बी-I)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 8th December, 2011

S.O. 63.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 33/2011) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s. State Bank of India and their workmen, which was received by the Central Government on 8-12-2011.

[No. L-12012/102/2010-IR (B-I)]
RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. I), DHANBAD

In the matter of a reference under Section 10(1)(d)(2A) of the Industrial Disputes Act, 1947

Reference No. 33 of 2011

PARTIES:

Employers in relation to the management of State Bank of India, Patna.

AND

Their workman

PRESENT :

Shri Hari Mangal Singh, Presiding Officer

APPEARANCES:

For the Management : None

For the Workman : None

State : Bihar Industry : Bank

Dated, 30th November, 2011

AWARD

By order No. L-12012/102/2010-IR (B-I) dated 26-5-2011 the Central Government in the Ministry of Labour has in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

SCHEDULE

"Whether the management of State Bank of India, Patna in terminating Shri Shashi Bhushan Prasad S/o Shri Bhola Mandal from service with effect from 6-3-2009, is legal and justified. To what relief the workman is entitled ?"

2. This reference case was received in this Tribunal on 13-6-2011, and it was registered. Thereafter on 26-7-2011 a registered letter duly signed by Shashi Bhushan Prasad, concerned workman of this reference was received in which he stated that the same case has already been filed before the Industrial Tribunal, Patna, under the provision of Section 2A(1) and (2) of the Industrial Disputes (Amendment) Act, 2010 and the same has already been registered as Case No. 3(C)/2011 and the same is pending for adjudication. In such circumstances, he has prayed that he may be allowed to withdraw the case from this Tribunal.

3. In view of such prayer, I pass a 'NO DISPUTE' Award in this case.

H. M. SINGH, Presiding Officer

नई दिल्ली, 9 दिसम्बर, 2011

का.आ. 64.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कमिश्नर, कस्टम एण्ड सेन्ट्रल एक्साइज डिपार्टमेन्ट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 3/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-12-2011 को प्राप्त हुआ था ।

[सं. एल-42012/51/2008-आईआर (डीयू)]
जोहन तोपनो, अवर सचिव

New Delhi, the 9th December, 2011

S.O. 64.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 3/2009) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of The Commissioner, Customs and Central Excise Department and their workmen, which was received by the Central Government on 9-12-2011.

[No. L-42012/51/2008-IR (DU)]
JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT :

Shri Ved Prakash Gaur, Presiding Officer.

Dated the 17th day of November, 2011

Industrial Dispute No. 3/2009

BETWEEN

Sri P. Ganga Ram and 2 others,
C/o Sri Md. Akbar Ali,
H. No. 9-3-104, Harizan Basti,
Hasmathpet, Old Bowmpally,
Secunderabad-500 009. ... Petitioners

AND

The Commissioner,
Customs and Central Excise Department,
Hyderabad-I Commissionerate,
Kendriya Shulk Bhawan,
Basheer Bagh,
Lalbahadoor Stadium Road,
Hyderabad. ... Respondent

APPEARANCES:

For the Petitioner : Nil

For the respondent : M/s. G. Jaya Prakash Babu, Advocate.

AWARD

The Government of India, Ministry of Labour by its order No. L-42012/51/2008-IR (DU) dated 16-1-2009 referred the following dispute between the management of Customs and Central Excise Department and their workmen under Section 10(1)(d) of the I.D Act, 1947 for adjudication to this Tribunal. The term of reference is as under :

SCHEDULE

"Whether the action of the Central Excise Department, Hyderabad-I Commissionerate, Hyderabad in terminating the services of S/Shri P. Ganga Ram, Smt. K. Yellamma and Smt. Balnarsamma casual/contingent workers and subsequently engaging them as contract workers from 2004 is proper and justified ? If not, to what relief the concerned workmen are entitled to ?"

The reference is numbered in this tribunal as I.D. 3/2009 and notices were issued to the parties concerned.

2. Petitioners called absent for several adjournments. Though several chances were given Petitioners neither appeared nor filed claim statement and documents even after two years of receipt of reference. On 17-11-2011 also Petitioners called absent. Respondent's counsel present. In absence of Petitioners or their claim statement reference is to be answered in negative, hence, the Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her, corrected by me on this the 17th day of November, 2011.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 9 दिसम्बर, 2011

का.आ. 65.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सुपरिनटेंडेन्ट आरकोलोजिस्ट, आरकोलाजिकल सर्वे ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलौर के पंचाट (संदर्भ संख्या 70/90) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-12-2011 को प्राप्त हुआ था ।

[सं. एल-42012/79/1990-आईआर (डीयू)]
जोहन तोपनो, अवर सचिव

New Delhi, the 9th December, 2011

S.O. 65.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 70/90) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure in the industrial dispute between the employers in relation to the management of The Superintending Archaeologist, Archaeological Survey of India and their workmen, which was received by the Central Government on 9-12-2011.

[No. L-42012/79/1990-IR (DU)]
JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated : 21st November, 2011

PRESENT :

Shri S. N. Navalgund, Presiding Officer

C.R. No. 70/90

I Party :

The President,
Archaeological Survey of India,
Daily Wages Employees Union,
Hampi National Project,
Kamalapur-583 221

II Party :

The Superintending Archaeologist,
Archaeological Survey of India,
4th Block, Jayanagar,
Bangalore-41

The Dy. Superintending Archaeologist,
Archaeological Survey of India,
Hampi National Project,
Kamalapur-583221.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) has referred this dispute vide order No. L-42012/79/90-IR (DU) dated 9-11-1990 for adjudication on the following :

SCHEDULE

"Whether the action of the Archaeological Survey of India, Bangalore Circle, Bangalore in terminating the services of the workman without any reasons and without complying the provisions of the Industrial Disputes Act, 1947 is justified ? If not, to what relief the workmen are entitled"

2. After completion of the pleadings and evidence adduced for both sides an award was passed on 13-6-2001 holding that the order of termination is not correct directing the Second party to reinstate the first party workmen with continuity of service without back wages. When same was assailed by the second party in Writ Petition No. 41447 of 2001 (L-Res) before the Hon'ble High Court of Karnataka the award passed on 13-6-2001 came to be quashed by order dated 29-11-2007 with direction to hear the matter afresh. Subsequently on behalf of the second party while further examining MW1 Shri K. C. Chacko 21 documents were got marked as Ex. M5 to M25 and when the matter was at the stage of further evidence of the first party on 2-11-2011 the counsel representing the first party filed memo to the effect that in view of the assurance given by the second party management in the reply to the interrogatory that they are going to give temporary status to 98 + 2 workmen mentioned in the list annexed to the memo, the reference so far as those 98 + 2 workmen is not pressed and a submission was made that reference would be continued as far as remaining 22 workmen. On that day on the submission made by the advocate representing the second party that he would file his reply to the said memo by 21-11-2011, matter was adjourned to 21-11-2011 and when the matter was called on 21-11-2011 the learned advocate representing the first party filed another memo signed by himself and the President of the first party union along with a copy of resolution passed by the first party union dated 20-11-2011. In the memo filed on 21-11-2011 while referring to the contents of the resolution passed by the first party union dated 20-11-2011 it is requested to permit first party union to withdraw the entire dispute raised in this reference. In view of this memo filed by the President of the first party union the reference does not survive for consideration and has to be closed as withdrawn.

3. In the result, I pass the follwoing Award.

AWARD

The reference is rejected as withdrawn by the first party union.

(Dictated to PA transcribed for her corrected and signed by me on 21-11-2011)

S. N. NAVALGUND, Presiding Officer

नई दिल्ली, 9 दिसम्बर, 2011

का.आ. 66.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कमिशनर, कस्टम एण्ड सेन्ट्रल एक्साइज डिपार्टमेन्ट के प्रबंधतंत्र के. संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 2/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-12-2011 को प्राप्त हुआ था ।

[सं. एल-42012/50/2008-आईआर (डीयू)]
जोहन तोपनो, अवर सचिव

New Delhi, the 9th December, 2011

S.O. 66.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/2009) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the

management of The Commissioner, Customs and Central Excise Department, and their workmen, which was received by the Central Government on 9-12-2011.

[No. L-42012/50/2008-IR (DU)]
JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT :

Shri Ved Prakash Gaur, Presiding Officer

Dated the 17th day of November, 2011

Industrial Dispute No. 2/2009

BETWEEN

Sri P. Naga Raju and 5 others,
C/o Sri Md. Akbar Ali,
H. No. 9-3-104, Harizan Basti,
Hasmathpet, Old Bowmpally,
Secunderabad-500 009 ... Petitioners

AND

The Commissioner,
Customs and Central Excise Department, I
Tirupathi Commissionerate,
Kurnool Division,
Kurnool ... Respondent

APPEARANCES :

For the Petitioner : Nil

For the respondent : Sri Kaapu Ramakrishna Reddy, Advocate.

AWARD

The Government of India, Ministry of Labour by its order No. L-42012/50/2008-IR (DU) dated 16-1-2009 referred the following dispute between the management of Customs and Central Excise Department and their workmen under Section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal. The term of reference is as under :

SCHEDULE

"Whether the action of the Central Excise Department, Tirupathi Commissionerate, Hyderabad in terminating the services of S/Shri P. Naga Raju, G. Chinnaiah, P. Srinivasulu, B. Vanamanna, K. Rammaddelei and Smt. C. Sarojamma casual/ contingent workers and subsequently engaging them as contract workers from 2004 is proper and justified ? If not, to what relief the concerned workmen are entitled to ?"

The reference is numbered in this tribunal as I.D. 2/ 2009 and notices were issued to the parties concerned.

2. Petitioners called absent for several adjournments. Though several chances were given Petitioners neither appeared nor filed claim statement and documents even after two years of receipt of reference. On 17-11-2011 also Petitioners called absent. Respondent's counsel present. In absence of Petitioners or their claim statement reference is to be answered in negative, hence, the Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her, corrected by me on this the 17th day of November, 2011.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 9 दिसम्बर, 2011

का.आ. 67.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार जनरल मैनेजर, रिचर्डसन एण्ड क्रुद्दास (1972) लिमिटेड बाइकुला आयरन वर्क्स मुम्बई के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मुम्बई के पंचाट (संदर्भ संख्या सी. जी. आई. टी-2/165/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-12-2011 को प्राप्त हुआ था ।

[सं. एल-42011/17/1999-आईआर (डीयू)]
जोहन तोपनो, अवर सचिव

New Delhi, the 9th December, 2011

S.O. 67.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-2/165 of 1999) of the Central Government Industrial Tribunal-cum-Labour Court, Mumbai as shown in the Annexure in the industrial dispute between the employers in relation to the management of The General Manager Richardson and Cruddas (1972) Ltd. Byculla Iron Works, Mumbai and their workmen, which was received by the Central Government on 9-12-2011.

[No. L-42011/17/1999-IR (DU)]
JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT :

Shri K. B. Katake, Presiding Officer

Reference No. CGIT-2/165 of 1999

Employers in relation to the management of Richardson and Cruddas Ltd.

The General Manager (P&A),
Richardson and Cruddas (1972) Ltd.
Byculla Iron Works,
Sir J. J. Road,
Mumbai-400 008.

AND

Their Workmen.

The President,
Association of Engineering Workers,
252, Janta Colony,
Ramnarayan Narker Marg,
Ghatkopar (E),
Mumbai-400 079

APPEARANCES :

For the Employer : Mr. S. Z. Choudhary, Advocate

For the Workmen : Mr. Abhay Kulkarni, Advocate

Mumbai, dated the 26th September, 2011

AWARD

The Government of India, Ministry of Labour and Employment by its Order No. L-42011/17/99-IR (DU), dated 12-8-1999 and corrigendum dated 17-4-2000 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of M/s. Richardson and Cruddas (1972) Ltd. Byculla Iron Works Mumbai-8 in not regularizing the services of 20 workmen (as per list enclosed) and terminating the services orally is legal and justified ? If not, to what relief the workmen are entitled ?"

List of workers :

Sr. Nos.	Name
1.	Shri Vijay Ramchandra Jadhav
2.	Shri Uttam B. Pawar
3.	Shri Sangram Sadashiv Dhehale
4.	Shri Vithal Bhimrao Shinde
5.	Shri Vijay Hiraman Parad
6.	Shri Mahesh Laxman Sawant
7.	Shri Laxman Shripaty Kamble
8.	Shri Nitin Baburao Gade
9.	Shri D. R. Yadav
10.	Shri Dayand Arjun Rokade
11.	Shri Nandkumar Ganpat Malave
12.	Shri R. L. Jaiswal
13.	Shri V. R. Kamble
14.	Shri Nagasen Hambir Sarvade
15.	Shri Ramesh Vishnu Satpute
16.	Shri Dinakar Rajaram Katkar
17.	Shri Gautam Daulat Bhadrige
18.	Shri Prabhakar Balkrishna Tandel
19.	Shri Janardhan Kamalakar Mali
20.	Shri Lajarars Avinash Kale

2. After receipt of the reference from Ministry, both the parties were served with the notices. They appeared through their respective representatives. The second party union has filed its statement of claim at Ex-7. According to them, the workers in the list in para 1 were working in different departments of the first party as Helpers. Their service record is good and they were discharging their duties to the satisfaction of their superiors. They were employed on temporary and casual basis and the management used to give them artificial breaks with mala fied intention to deprive them from getting the benefit of permanent workmen. Due to artificial breaks, the employer did not allow the workmen to complete 240 days of work in a calendar year though they are working for number of years.

3. The employer has not maintained seniority list of the workers and they were not providing work as per the seniority. They violated the provisions of Model Standing Order framed under the Employment Standing Order Act. They used to provide continuous work to the junior workers

and were not providing the same to the senior workmen. By giving artificial break, the employer has illegally and wrongfully terminated the services of all the workmen listed in Para No. 1. They were not paid or offered notice pay, retrenchment compensation, gratuity and other legal dues and violated the provisions under Section 25F of the I.D. Act. No show cause notices were issued to them. The employer used to give artificial break illegally and wrongfully. The union made complaint to the State Labour Court No. 5/11/1995 for reinstatement. For want of jurisdiction said complaint was withdrawn with a liberty to file a fresh complaint before this Tribunal.

4. All the employees are unemployed. The are suffering great hardship as their services were terminated illegally. Therefore, union prays for direction to reinstate the workers under reference with full back wages and other consequential benefits. And also prays for the cost.

5. The first party management resisted the statement of claim, vide its written statement Ex-12. According to them, the reference is not tenable as for the same cause of action complaint was filed before State Industrial Court at Mumbai under the provisions of MRTU and PULP Act, 1971. The workers under reference are not the employees of the company. There is no employee-employer relationship between them. These workers are not in the employment of the company since last several years. Therefore, they are not entitled to the relief claimed for. The workers under reference are not workmen as defined under I.D. Act. These labourers were given work occasionally and casually. Their employment was terminated automatically after their work was over. The idea about the same was given to them, while engaging them for the casual work. The first party company is a sick industry and there are fixed sanctioned posts. They are not vacant. Therefore these employees cannot claim the relief of reinstatement or absorption in the service. The claim of these workers is barred by provision of Section 22 of Sick Industrial Undertaking Act. The company is declared as a sick unit by BIFR and given revival package. The demand of the second party is not maintainable under Section 59 of MRTU and under PULP Act. The claim of these workmen is totally untenable. Therefore, the first party management prays that the reference be dismissed with cost.

6. Following are the issues framed by my Ld. Predecessors at Ex-15 for my determination. I record my findings thereon for the reasons to follow :

Sr. No.	Issues	Findings
1.	Whether the reference is maintainable as per averment in Clause-1 (a) of W.S. ?	Yes
2.	Whether workers under reference are workmen under the provisions of Industrial Disputes Act, 1947 as contended in clause-1 (d) of the W.S. ?	Yes
3.	Whether the action of the management of M/s. Richardson and Cruddas (1972) Ltd., Byculla Iron Works, Mumbai-8 in not regularizing the services of 20 workers under reference is legal and proper ?	No
4.	Whether the action of the management in terminating their services orally is legal and proper ?	No
5.	What relief the workmen are entitled to ?	As per final order.

REASONS

Issue No. 1 :

7. According to the first party management, the union had filed complaint under Section 59 of MRTU and PULP Act before Industrial Court, Maharashtra State, at Mumbai bearing No. 511/1995. Therefore, according to the management, State Govt. is the proper Govt. and thus this Tribunal has no jurisdiction to entertain this reference. Thus they pray that, the reference deserves to be rejected. In this respect the Ld. Adv. for the second party union argued that the first party is a Central Government undertaking. He further submitted that in the complaint No. 511/1995, referred above, the matter was taken to Hon'ble High Court in Writ Petition No. 6458/1995 wherein the Hon'ble High Court held that appropriate Govt. in respect of first party is Central Government. Ld. Adv. further submitted that in another reference CGIT-2/93 of 1998, this Tribunal also gave the same finding in respect of the first party company. The said judgment has reached to its finality as no appeal was preferred there against. In this judgment, my Ld. Predecessor has referred to the findings of Hon'ble High Court recorded in Writ Petition No. 6458/1995. These judgments and findings therein were not challenged by the first party, wherein it is held that, appropriate Govt. in respect of the first party, is the Central Govt. In the circumstances, averment on behalf of the first party, that appropriate Govt. is the State Govt. is found to be devoid of merit. In the light of the above referred two judgments and findings therein, it needs no more discussion to arrive me at the conclusion that Central Govt. is the appropriate Govt. and it is empowered to make the reference to this Tribunal. Therefore, I further hold that this Central Govt.

Industrial Tribunal has jurisdiction to entertain this reference. Consequently I hold that the reference is maintainable. Accordingly, I decide this Issue No. 1 in the affirmative.

Issue No. 2 :

8. It is the case of the first party that the workers under reference are not the employees of the first party. According to them, they were intermittently engaged by the company on account of occasional need of the company. They were given understanding that their employment was only for a fixed period and can be terminated automatically after the exigency of work is over. As against this, it is the case of the union that, in order to deprive these workmen from getting benefit of permanency, artificial breaks were given to these workmen. In this respect, the Ld. Adv. for the second party pointed out that management's witness P. G Salgar has admitted in his cross at Ex-54 page 7 thereof that, breaks were given to the workers artificially. He has further admitted in his cross that, by giving break to one set of casual workers, the other set of casual workers were engaged in the same post. He further admitted that the casual labourers were continuously engaged till introducing VRS. He has also admitted that casual workers were attending same type of work attended by the permanent workers. He has also admitted that the workers who were subject matter in Ref. No. CGIT-2/93 of 1998 were regularized by the first party. He also admitted that the works of these workers were supervised by the company.

9. In short, the witness of the first party has admitted in his cross that artificial breaks were given to these workers and during the period of break some other workers were engaged to perform their work. The witness has also admitted that these workers were doing the same work being performed by the permanent workers of the company. This witness has also admitted in his cross at Ex-54 that the works of these workers were supervised by the officials of the company. This officer does not know the workers personally. He has replied to that effect in his cross. From the evidence of this witness it is clear that these workers were working regularly since the date of their respective employment. Artificial breaks were given to them so that they should not get the benefit of permanent workers. Giving such artifical break merely to deprive these workmen from getting benefit of permanency is no doubt a bad tactics adopted by the company. In fact they were working there for years together. In the circumstances, I hold that the workers under reference are the workmen as defined in Clause (1) (d) of the I.D. Act. Accordingly, I decide this issue No. 2 also in the affimative.

Issue No. 3 :

10. In the light of above discussions, it is clear that the workmen under reference were working from the date of their respective joining, since 1985 upto 1993. The dates of their respective appointment and termination of services are given in the affidavit of witness Mr. Vitthal Shinde at Ex-17. From the above discussion it is clear that though they were working for years together, artificial breaks were given to them periodically merely to deprive them from getting the benefits of permanent workmen. Therefore all these workers were entitled to be regularized in the service. Not regularizing their services, thus cannot be called legal and proper. Thus it also needs no more discussion to decide this issue No. 3 in the negative.

Issue No. 4 :

11. In the light of discussion and findings on issue Nos. 2 & 3 above it is clear that workers under reference were working with the Party No. 1 for number of years. Thus they were entitled to be regularized. On the other hand management used to give them artificial breaks with a sole intension to deprive them from getting benefits of permanent workers. These workers were working since 1985 till 1993. As they were entitled to be regularized as permanent workers, oral termination of their respective services cannot be called legal and proper. Accordingly I decide this Issue No. 4 in the negative.

Issue No. 5 :

12. In respect of the relief the workers have prayed that they be reinstated in service with full back wages, which appears impracticable. It also appears improbable, as some of the workers have expired and rest of the workers are not on duty since 1993. Some of them may have crossed the age of retirement. Thus the alternative prayer made by the workers appears practicable that, they should be given benefit of VRS with back wages from the date of their initial appointment shown in the list. Thus I allow the reference and would like to direct the first party to pay them difference in the back wages since the date of their appointment till the date of their respective termination. The first party is also directed to pay the amount permissible under VRS scheme. Hence I proceed to pass the following order :

ORDER

The reference is allowed as follows :

(i) The 20 enlisted employees are declared as permanent employees of the first party.

(ii) The first party is directed to pay the difference of wages to the respective workers or to the L.Rs. of the deceased for the respective period they had worked with the company.

(iii) The first party is also directed to pay the amount to the respective workers or their L.Rs. as they are entitled under VRS scheme.

(iv) The first party to pay the cost of the reference to the second party union and bear their own.

K. B. KATAKE, Presiding Officer

नई दिल्ली, 9 दिसम्बर, 2011

का.आ. 68.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कमिशनर, कस्टम एण्ड सेन्ट्रल एक्साइज् डिपार्टमेंट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 6/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-12-2011 को प्राप्त हुआ था।

[सं. एल-42012/46/2008-आई. आर. (डी.यू.)]
जोहन तोपनो, अवर सचिव

New Delhi, the 9th December, 2011

S.O. 68.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 6/2009) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad, as shown in the Annexure in the industrial dispute between the employers in relation to the management of The Commissioner, Customs & Central Excise Department and their workmen, which was received by the Central Government on 09-12-2011.

[No. L-42012/46/2008-IR(DU)]
JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT :

Shri Ved Prakash Gaur, Presiding Officer

Dated the 17th day of November, 2011

Industrial Dispute No. 6/2009

Between :

Sri Md. Akbar Ali and 7 others,
C/o Sri Md. Akbar Ali,
H. No. 9-3-104, Harizan Basti,
Hasmathpet, Old Bowmpally,
Secunderabad-500 009. ... Petitioners

AND

The Commissioner,
Customs & Central Excise Department,
Hyderabad-I, Commissionerate,
Kendriya Shulk Bhawan,
Basheer Bagh, Laibahadoor Stadium Road,
Hyderabad ... Respondent

APPEARANCES :

For the Petitioner : Nil

For the Respondent : M/s. C. Jaya Prakash Babu, Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L-42012/46/2008-IR (DU) dated 16- -2009 referred the following dispute between the management of Customs & Central Excise Department and their workmen under Section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal. The term of reference is as under :

SCHEDULE

"Whether the action of the Central Excise Department, Hyderabad-II Commissionerate, Hyderabad in terminating the services of S/Shri Md. Akbar Ali, J. Srawan Kumar, Shiak Javeed, T. Vijay Raj, B. Aneemu, Smt. P. Kamala, Smt. Pushpa, Smt. Tukabai Gajre casual/contingent workers and subsequently engaging them as contract workers from 2004 is proper and justified? If not, to what relief the concerned workmen are entitled to?"

The reference is numbered in this tribunal as I.D. 6/2009 and notices were issued to the parties concerned.

2. Petitioners called absent for several adjournments. Though several chances were given. Petitioners neither appeared nor filed claim statement and documents even after two years of receipt of reference. On 17-11-2011 also Petitioners called absent. Respondent's counsel present. In absence of Petitioners or their claim statement reference is to be answered in negative, hence, the Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her, corrected by me on this the 17th day of November, 2011.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioners

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 9 दिसम्बर, 2011

का.आ. 69.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कमिशनर, कस्टम एण्ड सेन्ट्रल एक्साइज् डिपार्टमेंट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 5/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-12-2011 को प्राप्त हुआ था।

[सं. एल-42012/48/2008-आई. आर. (डी.यू.)]
जोहन तोपनो, अवर सचिव

New Delhi, the 9th December, 2011

S.O. 69.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 5/2009) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad, as shown in the Annexure in the industrial dispute between the employers in relation to the management of The Commissioner, Customs & Central Excise Department and their workman, which was received by the Central Government on 09-12-2011.

[No. L-42012/48/2008-IR(DU)]
JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT :

Shri Ved Prakash Gaur, Presiding Officer

Dated the 17th day of November, 2011

Industrial Dispute No. 5/2009

Between :

Smt. Anasuyamma and 3 others,
C/o Sri Md. Akbar Ali,
H. No. 9-3-104, Harizan Basti,
Hasmathpet, Old Bowmpally,
Secunderabad-500 009 ... Petitioners

AND

The Commissioner,
Customs & Central Excise Department,
Hyderabad-I, Commissionerate,
Kendriya Shulk Bhawan,
Basheer Bagh, Lalbahadoor Stadium Road,
Hyderabad ... Respondent

APPEARANCES :

For the Petitioner : Nil

For the Respondent : M/s. G. Jaya Prakash Babu, Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L-42012/48/2008-IR (DU) dated 16-1-2009 referred the following dispute between the management of Customs & Central Excise Department and their workmen under Section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal. The term of reference is as under :

SCHEDULE

"Whether the action of the Central Excise Department, Hyderabad-II Commissionerate, Hyderabad in terminating the services of Smt. Anasuyamma, Smt. P. Balanarasamma, Smt. K. Yellamma and Sri P. Ganga Ram, casual/contingent workers and subsequently engaging them as contract workers from 2004 is proper and justified ? If not, to what relief the concerned workmen are entitled to?"

The reference is numbered in this tribunal as I.D. 5/2009 and notices were issued to the parties concerned.

2. Petitioners called absent for several adjournments. Though several chances were given Petitioners neither appeared nor filed claim statement and documents even after two years of receipt of reference. On 17-11-2011 also Petitioners called absent. Respondent's counsel present. In absence of Petitioners or their claim statement reference is to be answered in negative, hence, the Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her, corrected by me on this the 17th day of November, 2011.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 9 दिसम्बर, 2011

का.आ. 70.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार निर्देशक, नेशनल रिसर्च सैन्टर फार सितरस के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 80/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-12-2011 को प्राप्त हुआ था।

[सं. एल-42011/36/2006-आई आर (डीयू)]
जोहन तोपनो, अवर सचिव

New Delhi, the 9th December, 2011

S.O. 70.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 80/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Director, National Research Centre for Citrus, Nagpur their workman, which was received by the Central Government on 09-12-2011.

[No. L-42011/36/2006-IR(DU)]
JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE SHRI J. P. CHAND, PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/80/2006

Date : 25-11-20011

Party No. 1 : Director, National Research Centre For Citrus, Amravati Road, Nagpur – 440 010

Versus

Party No. 2 : The General Secretary, Rashtriya Nimb Jatiya Fal Anusandhan Kendra Kamgar Union (CITU), C/o CITU Office, 306, Shaniwari, Com. A. K. Gopalan Bhawan, Nagpur–18

Name of the workers involved in the dispute :

1. Shri Govinda S/o Ganpat Bhoyat
2. Shri Bhimrao S/o Keshavrao Pande
3. Shri Sunil S/o Uddhaorao Kharche
4. Shri Pramod S/o Uddhaorao Patil
5. Shri Vinayak S/o Vyankatesh Wagade
6. Shri Vinayak S/o Nagorao Khuspure

7. Shri Suresh S/o Baburao Kamble
8. Shri Khushal S/o Parashramji Gedekar
9. Shri Rajkumar Narayan Dhongde
10. Shri Vilas S/o Raghunathji Khavle
11. Shri Raju S/o Narayan Shende
12. Shri Dinkar S/o Daulatrao Asutkar
13. Shri Suresh S/o Pandurang Choudhary
14. Shri Dhanraj S/o Santosh Bante
15. Shri Suresh S/o Ramrao Shinde
16. Shri Ramprasad S/o Ramratan Bihare
17. Shri Ramrao S/o Devrao Bobde
18. Shri Raju S/o Laxman Rohankar
19. Smt. Jasundabai W/o Rahjans Dodke
20. Smt. Saraswati W/o Pilaji Rajuke
21. Smt. Shobabai W/o Ramuji Atagre
22. Shri Bimrao S/o Baburao Ambole

AWARD

(Dated : 25th November, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of State Bank of India for adjudication, as per letter No. L-42011/36/2006-IR (DU) dated 17-10-2006, with the following Schedule :

> "Whether the action of the management of the National Research Centre for Citrus, Nagpur through its Director in not regularizing the services of their 22 workers as shown in enclosed Annexure and stoppage of their contribution towards EPF from the month of February, 2005 in respect of these workers, is legal and justified ? If not, to what relief the workmen are entitled ?"

2. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement an accordingly, the Union "Rashtriya Nimb Jatiya Fal Anusandhan Kendra Kamgar Union" ("the Union" in short) file the statement of claim on behalf of the 22 workmen and the management of National Research Centre for Citrus (hereinafter referred to as the "Party No. 1") filed its written statement.

The case of the workmen as projected by the union, in the statement of claim is that all the workmen were appointed by the party no. 1 of 1-9-1993, except claimant Bhimrao, who was appointed on 1-1-1997 and workmen, Ramrao, Raju and Smt. Shobhabai, who were appointed on 1-1-1994 as labourers and the Party No. 1 is an industry, as per the provisions of the Act and all the workmen are in the employment of Party No. 1 since the date of their respective appointment and are deemed to be permanent employees and are required to be placed in the appropriate scale from the date, they had completed 240 days of service in a year and though they have been granted temporary status, they are denied various benefits and during the period from 1991 to 1998, the workmen were covered by Employees Provident Fund Rules of Central Government and the amount towards Employees Provident Fund contribution were deducted as per rule from their salary and the Government of India framed a scheme known as Casual Labourers (Grant of Temporary status and Regularization) Scheme, 1993 and as per para 5 (vi) of the said scheme, the employees after rendering three years of continuous service, after conferment of temporary status, the casual labourers would be treated at par with temporary group 'D' employees, and as per the said scheme, the Party No. 1 deducted contribution towards GPF contribution from salary of the workmen from 1998 to January, 2005 and deposited the amount in their respective General Provident Fund accounts but to their utter surprise, the Party No. 1 stopped the deductions towards GPF contribution, in pursuance to office memorandum dated 26-4-2004 issued by the Director, Government of India, Ministry of Personnel, Public Grievance and Pension, Department of Personnel and Training, New Delhi, but the scheme was modified in respect of the employees, who were appointed on or after 1-1-2004 and not in respect of the workmen and for stopping the deductions, the workmen will not be entitled to 50% of service rendered under temporary status, for the purpose of retirement benefits, after their regularization as per para 5(v) of the scheme and the action of the Party No. 1 in not deducting contributions towards GPF contribution since February, 2005 is illegal and contrary to the scheme of 1993. It is further pleaded by the union that the party no. 1 is an industry covered by the provisions of the Act and Bombay Shops and Establishment Act, 1948 and deduction of Provident Fund is a service condition of the workmen and as such, the same cannot be changed arbitrarily, without following due procedure of law and by withdrawing the contribution of GPF, the party no. 1 committed illegal change and the same is required to be restored and the workmen submitted a representation dated 14-3-2005 but as the same was not considered, they issued a notice dated 13-5-2005 through their counsel, but till today, neither the Party No. 1 has replied to the said notice nor have taken any positive steps in the matter and as such, the workmen are entitled to be regularized as Group 'D' employees with all consequential benefits and also to contribute towards General Provident Fund and the workmen have already acquired the status of permanency, because of their regular nature of work and despite the same, they were arbitrarily shifted to EPF, even though several other employers are still continuing under GPF and a discriminating treatment was shown towards the workmen and the workmen repeatedly approached the Higher Authorities, but as no action was taken, the dispute was raised and the present reference is made. Prayer has been made by the union to regularize the workmen in service and to grant them all the consequential benefits from the date of completion of 3 years of service and to allow them to contribute to GPF.

3. In the written statement, the Party No. 1 has pleaded inter alia that the reference is not maintainable, as it is not an industry as defined u/s. 2(j) of the Act and as the reference contains two industrial disputes, i.e. dispute for regularization of 22 workmen as shown in the enclosure and stoppage of their contribution towards EPF from the month of February, 2005 and both the disputes are different in character, so they cannot be arbitrated under one reference, the demands being different and for that the reference is to be answered in negative. It is further pleaded by the Party No. 1 that the research work in its farm/orchids

requires preparation of soil and the ancillary work of preparation of irrigation channels, plants basin cleaning, removal of weeds, cutting of wild grass etc. and the said work is of a seasonal nature and therefore, casual labourer for the season are engaged for doing the said work and since posts or engagement of casual labourers was not sanctioned by the Government, the work has to be got done through contract labourers and for the same, it entered into a contract with M/s. Vidarbha Security Consultancy Services, who supplied casual labourers, depending upon the availability of work and the contractor used to raise a monthly bill on the basis of man days and it used to pay his bill by cheque and the contractor used to pay the labourers from the said amount and later on under the Casual Labourers' (Grant of Temporary Status and Regulation) Scheme of Government of India, 1993, the workmen were granted only temporary status by order dated 23-7-1997, but their services were not regularized and in view of the latest judgment of the Full Bench of the Hon'ble Apex Court in the case of Secretary, State of Karnataka Vs. Umadevi reported in 2006(4) SCC-1, the workmen do not have a right to claim regularization in service and in view of the scheme, the reference is bad in law and is liable to be rejected.

The further case of the Party No. 1 is that upon conferment of temporary status to the workmen on 27-7-1997, they were treated as casual labourers at par with temporary Group 'D' employees for the purpose of General Provident Fund only, after completion of three years of continuous service, but due to conferment of temporary status, the workmen, did not automatically get the status of regular employees of class IV category and they are only entitled to the benefits as stated in clause 5 of the aforesaid scheme and the Government of India introduced a New Defined Contribution Pension Scheme replacing the existing system of defined Benefit pension system, vide Government of India, Ministry of Finance, Department of Economic Affairs Notification dated 22nd December, 2003, which came into operation w.e.f. 1-4-2004 and was made applicable to all new entrants to Central Government Service and in terms of clause 9(e) of the said Pension Scheme, no deduction shall be made towards GPF contribution from the Government Servants joining the service on or after 1-4-2004 and in view of the introduction of the New Pension Scheme, the Ministry of Personnel, Public Grievances and Pensions, (DoPT), issue office memorandum No. 49014/1/2004-Estt.(C) dated 26-4-2004, modifying the Casual Labourers' (Grant of Temporary Status and Regularization) Scheme of Government of India, 1993 and in terms of such modification, no credit of casual service as specified in clause 5, shall be available to the casual labourers upon their regularization against filling of sanctioned posts in Group 'D' category on or after 1-4-2004 and since, there is no provision of GPF in the New Pension Scheme direction was given not to deduct contributions to GPF from the Casual labourers w.e.f. 1st April, 2004 onwards and to pay the amount lying in their GPF Account to them and in view of the direction of the Government of India, the claim is not maintainable.

It is also pleaded by the Party No. 1 that it is not engaged in selling grass, lemons, oranges and various other fruits which are products of research work and the same are sold to the farmers at a very nominal price so as to cover the expenses on farming and the sale proceeds is credited to the funds of the Government and its establishment is not governed by provisions of the Bombay Shops and Establishments Act, 1948 and the workmen are not entitled for any relief.

4. It is necessary to mention here that the evidence of workman, Raju on affidavit was filed by the union in support of the claim raised on behalf of the workmen. As nobody appeared on behalf of the Party No. 1 to cross-examine the said witness, on 29-9-2008, his cross-examination was declined and the case was posted for argument. So, the evidence of witness Raju has remained unchallenged.

5. At the time of argument, it was submitted by the learned advocate for the workmen that the Party No. 1 is a society under the Societies Registration Act, 1960 and the Party No. 1 is engaged in selling of grass, lemon, oranges and various other fruits and it is an establishment governed by the provisions of the Bombay Shops and Establishment Act, 1948 and since it is carrying out systematic activities, it is an industry and the workmen became permanent after working for 240 days under the Party No. 1, as per standing orders and as per para 5(vi), the workmen were treated on par with group 'D' employees for the purpose of contribution to General Provident Fund and therefore, from 1998 to January 2005, contribution were deducted and credited to General Provident Fund and the same became a condition of service and the same cannot be changed without giving notice u/s. 9-A of the Act and in view of the provision of Section 2(4), and 38(B) of the Bombay Shops and Establishment Act and 4(c) of standing orders, the workmen have already become permanent workmen and as such they are entitled for permanent appointment and the workmen are entitled for all the corresponding benefits from the date of completion of 3 years of service including increments and arrears with interest and contribution to GPF as usual.

6. Per contra, it was submitted by the learned advocate for the Party No. 1 that the schedule of the reference contains two separate industrial disputes, one regarding regularization of the 22 workmen and the other regarding stoppage of their contribution towards EPF from the month of February, 2005 and as both the industrial disputes are different in character, the same cannot be adjudicated under one reference and the dispute do not come under the definition of industrial disputes as provided under Section 2(k) of the Act, the same being against the policy of the Government of India. It was further submitted that the Party No. 1 is not an industry as defined u/s. 2(j) of the Act, as because it is not a profit making unit and the main object of the Party No. 1 is agricultural research on citrus fruits of various kinds and in view of the circulars of the Government regarding casual labourers (Grant of temporary status and Regulations) scheme of Govt. of India 1993, the workmen were granted temporary status by order dated 23-7-1997 and their regularization is dependent upon the vacancy of sanction posts, after following the due procedure laid down in recruitment rules for regularization of their services and after conferment of temporary status to the workmen, they were treated as casual labourers on par with temporary group 'D' employees for the purpose of General Provident Fund after completion of three years of continuous service, but by virtue of conferring temporary status, they do not automatically get the status of regular

employees of class IV and as such they are only entitle to the benefits stated Clause 5 of the above mention scheme and the Government of India, Ministry of Personnel, Public Grievances and Pensions, DOPT, New Delhi issued memorandum No. 49014/I/2004/Estt.(c) dated 26-4-2004 modified the scheme for grant of temporary status and directions were issued that there should not be further deduction towards GPF from the casual labourers w.e.f. 1-1-2004 onwards and the amounts lying in their GPF accounts, including deductions made after 1-1-2004 should be paid to them and in view of the introduction of the new defined contribution pension scheme replacing the existing system of defined benefit pension system by the Government of India and the modification of the scheme of Casual Labourers (Grant of Temporary Status and Regularization) scheme of Government of India, 1993, that no credit of casual service as specified in clause 5(v) shall be available to the casual labourers upon their regularization against filling of sanctioned post in group 'D' category on or after 1-4-2004, the workmen are not entitled for contribution towards GPF and as such, the action of the party No. 1 is justified and the same is proper and legal.

7. Perused the pleadings of the parties and evidence adduced in support of their respective claims, Admittedly, the workmen have based their claim on the basis of the scheme floated by the Government of India regarding casual labourers (Grant of Temporary Status and Regularization) Scheme on 1-9-1993. It is also not disputed that basing on the said scheme the present workmen were given temporary status. For better appreciation of the dispute between the parties, I think it necessary to mention about the scheme in toto which is as follows :

1. This scheme shall be called "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of Government of India, 1993."
2. This Scheme will come into force w.e.f. 1-9-1993.
3. This scheme is applicable to casual labourers in employment of the Ministries/Departments of Government of India and their attached and subordinate offices, on the date of issue of these orders. But it shall not be applicable to casual workers in Railways, Department of Telecommunication and Department of Posts who already have their own schemes.
4. Temporary Status :
   (i) Temporary status would be conferred on all casual labourers who are in employment on the date of issue of the OM and who have rendered a continuous service of at least one year, which means that they must have been engaged for a period of at least 240 days (206 days in the case of offices observing 5 days week).
   (ii) Such conferment of temporary status would be without reference to the creation/availability of regular Group 'D' posts.
   (iii) Conferment of temporary status on a casual labourer would not involve any change in his duties and responsibilities. The engagement will be on daily rates of pay on need basis. He may be deployed anywhere within the recruitment unit/ territorial circle on the basis of availability of work.
   (iv) Such casual labourers who acquire temporary status will not, however, be brought on to the permanent establishment unless they are selected through regular selection process of Group 'D' posts.
5. Temporary status would entitle the casual labourers to the following benefits :
   (i) Wages at daily rates with reference to the minimum of the pay scale for a corresponding regular Group 'D' official including DA, HRA and CCA.
   (ii) Benefits of increments at the same rate as applicable to a Group 'D' employee would be taken into account for calculating pro-rata wages for every one year of service subject to performance of duty for at least 240 days, (206 days in administrative offices observing 5 days week) in the year from the date of conferment of temporary status.
   (iii) Leave entitlement will be on a pro-rata basis at the rate of one day of every 10 days of work, casual or any other kind of leave, except maternity leave, will not be admissible. They will also not be entitled to the benefits of encashment of leave on termination of service for any reason or on their quitting service.
   (iv) Maternity leave to lady casual labourers are admissible to regular Group 'D' employees will be allowed.
   (v) 50% of the service rendered under temporary status would be counted for purpose of retirement benefits after their regularization.
   (vi) After rendering three years' continuous service after conferment of temporary status, the casual labourers would be treated on par with temporary Group 'D' employees for the purpose of contribution to the General Provident Fund, and would also further be eligible for the grant of Festival Advance/Flood Advance on the same conditions as are applicable to temporary Group 'D' employees provided they furnish two sureties from permanent Government servants of their Department.
   (vii) Until they are regularized, they would be entitled to Productivity Linked Bonus/Adhoc bonus only at the rates as applicable to casual labourers.
6. No benefits other than those specified above will be admissible to casual labourers with temporary status. However, if any additional

benefits are admissible to casual workers working in industrial establishments in view of provisions of Industrial Disputes Act, they shall continue to be admissible to such casual labourers.

7. Despite conferment of temporary status, the services of a casual labourer may be dispensed with by giving a notice of one month in writing. a casual labourer with temporary status can also quit service by giving a written notice of one month. The wages for the notice period will be payable only for the days on which such casual worker is engaged on work.

8. Procedure for filling up of Group 'D' posts :

(i) Two out of every three vacancies in Group 'D' cadres in respective offices where the casual labourers have been working would be filled up as per extent recruitment rules and in accordance with the instructions issued by Department of Personnel and Training from amongst casual workers with temporary status. However, regular Group 'D' staff rendered surplus for any reason will have prior claim for absorption against existing/future vacancies. In case of illiterate casual labourers or those who fail to fulfill the minimum qualification prescribed for the post, regularization will be considered only against those posts in respect of which literacy or lack of minimum qualification will not be a requisite qualification. They would be allowed as relaxation equivalent to the period for which they have worked continuously as casual labourers.

9. On regularization of casual worker with temporary status, no substitute in his place will be appointed as he was not holding any post. Violation of this should be viewed very seriously and attention of the appropriate authorities should be drawn to such cases for suitable disciplinary action against the officers violating these instructions

10. In future, the guidelines as contained in the Department's O.M. dated 7-6-1988 should be followed strictly in the matter of engagement of casual employees in Central Government offices.

11. Department of Personnel and Training will have the power to make amendments or relax any of the provisions in the scheme that may be considered necessary from time to time.

8. Clause 4(iv) of the said scheme says that such casual labourers who acquire temporary status will not, however, be brought on to the permanent establishment unless they are selected through regular selection process for Group 'D' posts. Clause 6 of the scheme specifies that no benefits other than those specified in Clause 5 will be admissible to casual labourers with temporary status. Clause 8 of the scheme provides the procedure for filling up of Group 'D' posts and according to the said procedure two out of every three vacancies in Group 'D' cadres in respective offices where the casual labourers have been working would be filled up as per extant recruitment rules and in accordance with the instructions issued by DoPT from amongst casual workers with temporary status. However, regular Group 'D' staff rendered surplus for any reason will have prior for absorption against existing/future vacancies. In case of illiterate casual labourers or those who fulfill the minimum qualification prescribed for the post, regularization will be considered only against those posts in respect of which literacy or lack of minimum qualification will not be a requisite qualification. They would be allowed as relaxation equivalent to the period for which they have worked continuqusly as casual labourers.

So, it is clear from the above scheme that the casual labourers, who acquired temporary status will not be entitled automatically for regularization after completion of 3 years of continuous service after conferment of temporary status. Regularization of the casual labourers who acquire temporary status can only be done through regular selection process for Group 'D' post. Hence, the demand of the workmen that as they have completed three years of service after conferment of temporary status, they are entitled for regularization and all consequential benefits is not legal and cannot be entertained. They are not entitled for automatic regularization unless and until they are selected through regular selection process for Group 'D' post.

9. So for the stoppage of the contribution of the workmen towards GPF (mentioned as EPF in the schedule of reference) from the month of February, 2005 is concerned, it is found that the Ministry of Personnel, Public Grievances and Pensions (DoPT), by O.M. No.49014/1/2004/Estt(C) dated 26-04-2004, modified the scheme for grant of temporary status. The said O.M, reads as follows :-

Subject : Introduction of New Pension Scheme–Modification of Scheme for grant of temporary status. The undersigned is directed to say that the scheme for grant of temporary status and regularization of casual workers in Central Govt. Offices formulated in pursuance of the judgment dated 16-2-1990 of the Central Administrative Tribunal, Principal Bench in the case of Raj Kamal & Others Vs. Union of India has been reviewed in the light of introduction of new pension scheme in respect of persons appointed to the Central Government service on or after 01-01-2004 and it has been decided to modify the schemes as under :

(i) As the new pension scheme is based on defined contributions, the length of qualifying service for the purpose of retirement benefits has lost its relevance, no credit of casual service, as specified in para 5(v), shall be available to the casual labourers on their regularization against Group 'D' posts on or after 01-01-2004.

(ii) As there is no provision of General Provident Fund in the new pension scheme, it will not serve any useful purpose to continue deductions towards GPF from the existing casual employees, in terms of para 5(vi) of the scheme for grant of temporary status. It is, therefore, requested that no further deduction towards General Provident Fund shall be

effected from the casual labourers w.e.f. 01-01-2004 onwards and the amount lying in their General Provident Fund Accounts, including deductions made after 01-01-2004, shall be paid to them.

2. The existing guidelines contained in this Department's O.M. No. 49014/2/86-Estt. (C) dated 07-06-1988 may continue to be followed in the matter of engagement of casual workers in the Central Government Offices.

Smt. PRATIBHA MOHAN, Director

The Ministry of Personnel, Public Grievances and Pensions, (DoPT), by OM No.49014/1/2004/Estt.(C) dated 23-07-2004 further modified the scheme for grant of temporary status the said O.M. reads as follows :

Subject : Introduction of New Pension Scheme–Modification scheme for grant of temporary status. The undersigned is directed to refer to this Department's O.M. of even number dated 26th April, 2004 vide which the provisions of Casual Labourers (Grant of Temporary Status & Regularization) Scheme of Govt. of India, 1993 was reviewed and modified on introduction of New Pension Scheme w.e.f. 1st January, 2004. The references have been received in this Department seeking clarifications as upto what date interest on the GPF accumulations of the Casual Labourers has to be allowed. The matter has been considered in consultation with Department of Pension & Pensioner's Welfare and Ministry of Finance (Department of Expenditure) and it has been decided that interest upto 30th April, 2004 may be allowed on the GPF accumulations of the casual labourers who have been bestowed with temporary status.

2. This issues in concurrence with Department of Expenditure vide their UO No. 442/EV/2004 dated 15-07-2004.

Smt. PRATIBHA MOHAN, Director

It is clear from the OMs mentioned above that after introduction of the new pension scheme by the Government of India, the casual labourers, who had been conferred with temporary status even prior to 01-01-2004 are also not entitled for contribution towards GPF and the contribution already deducted from them prior to 01-01-2004 and made after 01-01-2004 shall be paid to them along with interest up to 30-04-2004. The party No. 1 implemented the directions issued by the Government of India, Ministry of Personnel, Public Grievances and Pension, (DoPT) and stopped deduction of contribution towards GPF from the workmen from February, 2005. Hence, the action of Party No. 1 for stoppage of contribution of the workmen towards GPF from the month of February, 2005 cannot be said to be illegal or unjustified.

10. So far the contention raised by the learned advocate for the Party No. 1 that the Schedule of reference contains two separate disputes of different character and the same cannot be adjudicated under one reference and that the party No. 1 is not an industry has no force in view of the pleadings of the parties. There is no bar for adjudication of two separate disputes relating to the same parties under one reference. Hence, I find no force in the contention raised by the party No. 1.

11. In the result, it is ordered :

ORDER

The action of the management of the National Research Centre for Citrus, Nagpur through its Director in not regularizing the services of their 22 workers as shown above and stoppage of their contribution towards GPF mentioned as EPF in the Schedule) from the month of February, 2005 in respect of these workers, is legal and justified. The workmen are not entitled for any relief.

J.P. CHAND, Presiding Officer

नई दिल्ली, 9 दिसम्बर, 2011

का.आ. 71.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैनेजमैन्ट ऑफ ब्रोडकासटिंग सर्विसिस, एयर पटना के प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद के पंचाट (संदर्भ संख्या 140/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-12-2011 प्राप्त हुआ था ।

[सं. एल-42012/39/1997-आई आर (डीयू)]

जोहन तोपनो, अवर सचिव

New Delhi, the 9th December, 2011

S.O. 71.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 140/1998) of the Central Government Industrial Tribunal-cum-Labour Court, No. 2, Dhanbad, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Broadcasting Services, AIR Patna and their workman, which was received by the Central Government on 09-12-2011.

[No. L-42012/39/1997-IR(DU)]
JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri Kishori Ram, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 140 of 1998

PARTIES : Employers in relation to the management of Commrl. Broadcasting Services, AIR Patna and their workman.

APPEARANCES:

On behalf of the workwoman : None

On behalf of the employers : Mr. D.K. Verma, Advocate.

State : Jharkhand Industry : AIR

Dated, Dhanbad, the 17th Nov., 2011.

ORDER

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-42012/39/97/IR(DU) dated 01/16-04-1998.

SCHEDULE

"Whether the action of the management of Commercial Broadcasting Services, All India Radio, Patna in terminating the services of Smt. Seema Verma, casual announcer is justified and legal ? If not, to what relief the concerned workwoman is entitled ?"

2. None represented workwoman Smt. Seema Verma nor any witness produced on her behalf for evidence despite last chance. Mr. D.K. Verma, the Ld. Advocate for the management is present. Perused the case record. I find the present reference relates to the scheduled issue as to the action of management of Commercial Broadcasting Services, All India Radio, Patna in termination of her service as Casual Announcer. It is also evident from the case record that previously the case remained pending for filing documents as well as rejoinder in her behalf from 6-7-2001 and then for evidence of the workwoman since 30-01-03, failing which her evidence was closed on 4-12-03, since then for the evidence of management, failing which it also resulted in closing the evidence of management on 22-12-2005, fixing for argument since thereafter. Thereafter on the petition of the workwoman filed on 12-06-08 for hearing it at camp Court at Patna, since there was no objection on behalf of the management to it, her petition was allowed on the same date. But since thereafter, despite registered notices dt. 15.12.10, 15.1.11, 1.3.11 and show cause dt. 17-3-11 on her address, even then she did not appear for hearing.

3. It is remarkable to note that the case has prima facie no evidence or materials whatsoever, so what would be the significance of hearing argument in lack of interest of the workman, though she has been all along given ample opportunity to produce her materials before the Tribunal. But unfortunately she did not succeed in it.

Under these circumstances, I find and hold there is no case of any award for any adjudication over the reference. Hence, the case is closed and accordingly, the order is passed.

KISHORI RAM, Presiding Officer.

नई दिल्ली, 9 दिसम्बर, 2011

का.आ. 72.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार चीफ जनरल मैनेजर, टेलीकॉम डिपार्टमेंट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 315/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-12-2011 को प्राप्त हुआ था ।

[सं. एल-40012/184/2000-आई आर (डी यू)]

जोहन तोपनो, अवर सचिव

New Delhi, the 9th December, 2011

S.O. 72.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT 315 of 2004 New) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of the Chief General Manager, Telecom Department, Khanpur, Ahmedabad and their workman, which was received by the Central Government on 9-12-2011.

[No. L-40012/184/2000-IR(DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

PRESENT :

Shri Binay Kumar Sinha, Presiding Officer,
CGIT-cum-Labour Court,
Ahmedabad, Dated 28-11-2011

Reference : CGITA of 315/ 2004 New

Reference : ITC. 94/2000 (Old)

1. The Chief General Manager,
Telecom Department, Khanpur,
Ahmedabad (Gujarat)-380001
2. Divisional Engineer (UHF) Div-II,
2nd Floor, Shah Building,
Opp. Navrangpura Bus Stand,
Navarangpura, Ahmedabad,
(Gujarat) ..... First Party

And their workman

Shri Anwarmiya M. Thakore,
H/51, P and T Colony,
Nr. Shah Alam Roza,
Ahmedabad (Gujarat)-380028 ..... Second Party

For the first party Shri N. K. Trivedi, Advocate

For the second party Shri B. K. Sharma,
Union Representative of the workman (PRKP)

AWARD

An industrial dispute was raised by the second party workman against the management of first parties against his termination w.e.f. 9-4-1999 before the conciliation officer, which fails and failure report was sent to the Appropriate Government and then the Appropriate Government Ministry of Labour and Employment, Shram Shakti Bhavan, Rafi Marg, New Delhi-110001 by its order No. L-40012/184/2000/IR (DU) dated 9-8-2000 considering that an industrial dispute exists between the employer in relation to Telecom Department and their workman, referred the dispute for adjudication under clause (d) of sub-section (1) and sub section 2(A) of Section 10 of the ID Act, 1947 by formulating the terms of reference as per schedule which is as follows :

SCHEDULE

"Whether the action of the management of Deptt. of Telecom in terminating the services of Shri Anwarmiya M. Thakore w.e.f. 9-4-1999 is justified ? If not, to what relief the workman is entitled ?

2. Notices to the parties were issued and the parties appeared and filed pleadings statement of claim and written statement in support of their respective case.

3. The second party workman filed statement of claim at Ext. 5 pleading inter-alia that he was working with the department of first party as a car driver since 1996 and so discharging his duties with utmost satisfaction and without any complaint. Since 1996 he was discharging the duties on casual/temporary basis at monthly salary of Rs. 3,000

approx in the department of first party. Further case is that he completed 240 days of continuous service but inspite of that he was deprived of benefit of regularisation. Further case is that in the year 1987 he was engaged by the department, and was allowed to sign the muster roll but since 1995 the first parties are not allowing to sign the muster roll under the guise that he is working on ACG-17. Further case is that he was given the duty for the staff car No. GJ-1G 2781 and was working on said car from 1-9-1996 without any break and necessary entries and signatures of the concerned officers and also his signatures are in the log book of the said car. Further case is that on 4-2-1999 the first party issued letter inviting application from the eligible candidates for recruitment to the post of motor/jeep/lorry driver. He applied for the same on 22-2-1999. But he was verbally terminated from the services on 9-4-1999 without any valid retrenchment order under Section 25 (F) of the ID Act. The first party did not maintain any seniority list of the casual/monthly paid casual drivers. It has been alleged that he was working on regular vacancy since the vehicles are already there on which the drivers service were utilised but since the driver posts was not sanctioned and he continued to work as driver of the vehicle on casual basis. It has been alleged that his oral termination is in violation of the Section 25(F) of the Industrial Disputes Act and necessary sanction as per Rule 77 of the Industrial Disputes Act is also not obtained by the first party. Further case is that he became unemployed having no source of livelihood. On these grounds prayer has been made for quashing and setting aside the oral termination/retrenchment from the post of driver on the staff car No. GJ-1G 2781 and also declaring that the action of the first party is illegal and with further relief for his reinstatement w.e.f. 9-4-1999 with all consequential benefits and back wages and also for awarding cost of this case.

4. The first party in its written statement at Ext. 11 has contended pleading inter-alia that the workman has no legal right to raise dispute and the statement of claim so filed and the ground so taken are baseless and that the workman has got no cause of action and the reference is therefore not maintainable and is fit to be dismissed. Denying to the paras of the statement of claim it has been contended that it is not true that workman was working as a car driver and since 1996 he was discharging his duties with utmost satisfaction and without any complaint and that it is also untrue that no seniority list was prepared and it is also untrue to say that any unfair labour practice was adopted against the workman. It is also untrue to say that workman having no other alternative was discharging duties on casual/temporary at monthly salary of Rs. 3000. Further contention is that making comparison with the pay of the regular driver by the workman being working as casual labourer is quite irrelevant. It has also been denied that the workman has ever completed 240 days of works rather he was working particularly on daily rates basis as casual mazdoor and he was provided the work of driving the vehicle for specified purpose and for a specified period only as and when it was required. It is also not true to say that when in the year 1987 the workman was engaged by the department he was allowing to sign muster roll but since 1995 the first party are not allowing to sign the muster roll under the guise that the applicants is working on ACG-17. It has been contended that there was no any violation of the Act in respect of unfair labour practice. It has been denied that the workman was given duty for the staff car No. GJ-1 G-2781 and it not true to say that he was continuously working on the said car from 1-9-1996 without any break. It has been stated that the vehicle was given to the workman when and in absence of regular motor driver. Such plea has also been taken that the signature put by the workman in the logbook for months together itself amounts to misconduct on part of the applicant. Further pointing to para 4 of the statement of claim it has been stated that it is not true that on 4-2-1999, the first party issued a letter inviting applications from the eligible candidates for the requirement to the post of Motor/Jeep/Lorry Driver and the workman is required to strict proof of this fact that he had applied. It is also not true that instead of calling the workman for the selection he was verbally terminated from the services on 9-4-1999. It is not true to say that the applicant has completed 240 days preceding to oral retrenchment on 9-4-1999. It has been stated that the workman was not eligible for the recruitment as per the terms and conditions provided in the notification dated 4-2-1999 and that the workman was given the daily rated work and it was for a specific purpose and for the specific period only. It is not true that the workman was working on regular vacancy since the vehicles are already there and are being utilised but the driver post are not being sanctioned and continuing the applicant on casual basis without allowing to sign muster roll and making the payment on hand voucher in the name of ACG-17 staff. It is the case of the first party that since workman was not engaged on regular basis in the department and he was not working on muster roll regularly and so there was no question of maintaining the seniority for him and so the actions of the department of first party are just and fair as per the rules/ regulations and as per the Departmental Policy. In reply to para 6 of the statement of claim, it has been contended that it is not true that the oral retrenchment of the workman from 9-4-1999 is in violation of Section 25(F) of the ID Act and there was no requirement for obtaining necessary sanction under Rule 77 provided under the ID Act. The workman on completion of the specified period of work was required to be discontinued as per the departmental policy. More so, it is settled proposition of law by the Hon'ble High Court that the services of the casual worker come to an end every day and, upon this proposition the first party relied upon. Further contention is that before raising the dispute in this case the workman has filed O.A. No. 270/99 bofore the Hon'ble Central Administrative Tribunal at Ahmedabad for obtaining the interim stay and the said matter was taken up on 22-12-1999 and though initial order of the status-quo was passed but subsequently order was passed by the Hon'ble Central Administrative Tribunal directing the workman to appear in the selection process and it was also directed to keep the result of the workman in sealed cover and it was also observed that the selection of the applicant would depend upon the outcome of the said O.A. where inter-alia the question of his eligibility would also be decided and it was also directed to the respondents (first party) to keep one post of driver vacant till the said O.A. is decided and accordingly, the applicant was allowed to appear in the selection process and the persons selected also given regular appointment subject to the result of O.A. No. 270/99. It has been submitted that till date the said O.A. 270/99 is pending before the Hon'ble CAT for final hearing and disposal therefore, the present

reference is not maintainable at law and it can not be adjudicated in the circumstances. On this scores it has been contended that the prayer so made on para 7 of the statement of claim have no any basis and the workman got no any case so the reference is fit to be dismissed with cost.

5. In view of the pleadings of the parties, following issues are framed for discussion and consideration.

ISSUES

(i) Whether the reference is maintainable ?

(ii) Has the workman got valid cause of action ?

(iii) Whether the second party workman completed 240 days of work in preceding to his termination w.e.f. 9-4-1999.

(iv) Whether the action of the management of department of Telecom (first party) in terminating the services of workman w.e.f. 9-4-1999 is justified ?

(v) Whether the second party workman s entitled to the relief of reinstatement with back wages and other consequential benefits ?

(vi) What order are required in this case ?

FINDINGS

(6) **ISSUE NO. III**

The second party workman has led both oral and documentary evidence to support his claim. On the other hand the management of first party has also led oral and documentary evidence to deny the claim of the second party workman. At Ext. 13 the workman gave his oral deposition to support his case that since 1996 he is all along working as a driver without any breakage. He was cross-examined at length by the first party and he admitted that his engagement as driver was as casual worker and that he was appointed as casual labourer/daily rated worker against the sanctioned post of driver. As against this there is oral deposition of management witness namely Avinash at Ext. 34. He is serving as Assistant General Manager (Legal) in Telephone Department. He has denied the claim of the workman at Ext. 13 that the workman (second party) has continuously worked as driver of the staff Car No. GJ-1G 2781 from 1-9-1996 without any break till the filing of the case. His evidence is that the workman was performing duty on temporary cadre in his department and it is not true that he was getting less salary than other casual workman. It has been denied that the workman worked continuously for 240 days in calendar year. It has been denied that as per letter dated 9-4-1999 issued from the department the workman has applied for the post of driver. Whereas the second party asserted that he had applied for the post of driver but no any documentary evidence has been adduced to support claim of the workman. Further evidence of management witness is that temporary workman in daily rated are terminated at evening and his work comes to an end at evening and that it is not true that his service was terminated by the management orally on 9-4-1999. During cross-examination by the second party, it has come in the deposition of the management witness at Ext. 34 that the concerned workman Anwarmiya M. Thakore was engaged on temporary basis in the year 1996 and in 1997 he was engaged as daily (chutak) workman and that no designation was given to him. It has also come that attendance register was not maintained of workman those who are engaged on daily (chutak) rated. It has also come that the concerned workman was not engaged as casual labourer during 1991 to 1994. Further deposition is that attendance register was not maintained of workman and that in absence of regular driver other driver is called. Other driver means who is daily wager and who knows driving is engaged.

(7) On behalf of the second party workman Ext. 20 is a certificate dated 30-11-1994 of the Assistant Director Telecom (ADMN) to the fact that Shri A.M. Thakore has worked as casual labourer/mazdoor during the period from May 1989 to October 1994 for 541 days. He is now engaged on contract system w.e.f. 14-2-1994. From this Ext. 20 it only goes to show that during these years workman worked for 541 days. This does not go to proof that the workman had complete 240 days of work in calendar year. As against this Ext. 45 is a list of working days of workman as casual labourer filed on behalf of the first party and its copy also received by the second party representative. There is breakup of the work of the second party workman which go to show his working days in the year 1989 April-8 days, May 20-days, 1990-April 25 days, May 21 days, 1991- July -3 days, August-5 days, September 11 days, October-32 days, November-6 days, December-5 days, in the year 1992 January 2 days, February 10 days, March 10 days, April 9 days, May 10 days, June 7 days, July 11 days, September-12 days, October-11 days, November-4 days, and in the year 1993 January 14, February 1, May 14, June 10, August 10, September 7, October-8, November 3, December-6. From 1989 to December 1993 the workman never completed 240 days of work so the certificate granted to the workman by the officer of the first party that during May 1989 to October 1994 he worked for 541 days does not go to connect in any way that during that period in any calendar year the workman completed 240 days of work. More so, this certificate Ext. 20 further reveals that w.e.f. 14-2-1994 workman Anwarmiya M. Thakore was being engaged on contract system. Ext. 21 is another certificate dated 31-5-1990 that go to show that the workman Shri Anwarmiya M. Thakore has worked as Sprinkler for the period of 2 months w.e.f. 16-4-1987 to 15-6-1987, 16-4-1988 to 15-6-1988, 16-4-1989 to 15-6-1990 and from 26-4-1990 to 31-5-1990 respectively in the office of the first party that go to show that in each of the year 1987, 1988, 1989, 1990 and he was engaged for Sprinkle work for 60 days. His such work does not go to give any claim in favour of the second party. More so, as per list showing particulars of the working days of the workman at Ext. 46 filed on behalf of the second party and its copy supplied to the lawyer of the first party, it has been mentioned that for the year 1987, 1988, 1989, 1990 workman did work of sprinkle in 60 days each and in 1990-36 days only. More so, as per particulars of work for 541 days also mentioned at Ext. 46 on behalf of the second party do not go to base any claim for the reasons already mention above while discussing Ext. 20. The first party has also submitted list of working days of the workman as a driver at Ext. 44 and its copy supplied to the second party's representative. The working days as a driver has been shown from 1996 up to April 1999. From calculating the works of the workman as driver year wise from August 1996 to July 1997 the working days comes to 301 days, from August-1997 to July 1998 his working days comes to 228 days and from August 1998 to March 1999

the working days has been shown 99 days but on verification of Ext. 26, 27, 28 actual period of works from August-1998 to March-1999 comes to 110 days and in April-1999 working days as a driver is only for 4 days and so the total working days of the workman as a driver from August 1998 till 4-9-1999 is 114 days only. That means the second party workman had not completed 240 days of work preceding to his termination w.e.f. 9-4-1999. Even if the calculation is made in this way taking the period of works from January 1998 to August 1999 period of work is not covered 240 days. As per particulars of working days of the workman provided by the second party at Ext. 46 it has been claimed that from 22-9-1999 to 8-4-1999 his total working days was 1253 days as Mazdoor/Driver. But it has to be borne-in-mind as per Ext. 20 that the workman was being engaged on contract system w.e.f. 14-2-1994. This fact has also been admitted by the second party workman at Ext. 46. So, the work of a driver performed by the second party workman on that department vehicle and even if it is presumed that the second party workman worked as a driver on vehicle No. GJ-1 G 2781, his such work as driver can be said to be as of contract system and in this way there would be no any justification regarding claim of the workman that as a contractual driver he completed 240 days of works in a calendar year. On behalf of the second party no any case law has been cited that the contractual period of work from 14-2-1994 onwards can also be assessed as a daily rated/ casual worker. On the other hand it has been argued on behalf of the first party that as per judgment 1997 LR 699 SC Escort Ltd. V/s Presiding Officer and another it has been decided that non renewal of contract will not amount to retrenchment in view of provision of section 2 (00) (bb) of the ID Act. It has been argued that second party was engaged as casual driver on where and when required basis and that in absence of regular driver the service of second party was availed and that the second party workman was not engaged on clear and vacant post and so no claim for regularisation as a driver. Reliance has also been placed upon the case law of State of Himachal Pradesh V/s Suresh K. Verma and Another AIR 96 page 1565 SC. It has been argued that the second party has raised the dispute regarding his regularisation and salary as per drawn by the regular employees but since the dispute has not been referred for adjudication for his regularisation rather the terms of reference is regarding the action of management of department of first party in terminating the service of the workman w.e.f. 9-4-1999 whether is justified or not. There is force in such argument advanced on behalf of the first party. The second party has never raised the said demand before the authority for his regularisation and for providing salary as per other regular employee. It has been further argued that since the workman was engaged as casual car driver and his appointment was made without following due procedure of law and so he cannot claim for his reinstatement and for other consequential benefits with backwages. It has been also argued that even if, in any calendar year the workman completed 240 days of work he is not entitled for the post of driver or even for his reinstatement to that post of casual driver. It has been further argued that by the department of the first party vehicles are hired on contract basis and since the first party did not continue the second party as there was no any necessity for driver. So the service as casual driver of the second party comes to an end automatically w.e.f. 9-4-1999.

(8) On behalf of the second party Ext. 29 series have been filed regarding the office order of the department regarding sanctioning of the payment of wages the workman and two other casual workers from the period 1989 to 1994 this sanction orders of payment of daily wages worker does not go to put impetus that workman was getting daily wages lesser than that of regular employees providing any claim for consideration of his reinstatement. This aspect has already been discussed above. Ext. 30 is a letter of Bharat Sanchar Nigam Ltd. dated 28-8-2002 through which demand of the tribunal for production attendance register for the year 1987, 1988, 1989, 1990 attendance register of casual labourer for 1991 to 1994 put on which vehicle No. GJ-1G 2781 was received log book of vehicle No. GJ-1G 2781 from the period 1995 to 1999 and muster roll of driver engaged from 1995 to 1999. It has been mentioned that the document serial No. 1 and 2 are not pertain to this unit and document at serial No. 3 regarding date of received of vehicle GJ-1G 2781 is 22-9-1995 and for serial No. 4 it has been mentioned that the log book of vehicle in originally is submitted which is maintained from 1-8-1996 to 8-4-1999 and the previous log book from 22-5-1995 to 21-7-1996 has been sent for documentation purpose so that period of log book is not available and for serial No. 5 it has been mentioned that no muster roll has been issued by this unit. It has also been mentioned at Ext. 30 that it has been found that the muster casual mazdoor Shri Anwarmiya M. Thakore put his signature in the original log book of this vehicle GJ-1 G-2781 in subsequent stage almost in whole of the log book which was kept with the vehicle. Even if it is presumed that second party workman as a casual driver of vehicle GJ-1 G 2781 has put his signature this does not go to give any impetus for his regularisation as a driver because in the log book there is no scope for signing by the driver either regular or casual rather the officer in control of the vehicle has to sign the log books so even if there is signature in the log book as per Ext. 26, 27, 28 this does not go to prove that his engagement as casual driver of the vehicle was against the vacant post of driver.

(9) The learned counsel for the first party has also relied upon the case law of Union of India and Ilango (2005) (1) LLJ Page 343, 2006 SCC (L & S) Page 753, Secretary, State of Karnatak and Another V/s Umadevi, 2006 (o) GLHEL-SC 38282 Page 1 to 14 (Indian Drugs and Pharmaceuticals V/s Workman Indian Drugs and Pharmaceuticals Ltd.), Gangadhar Pillai V/s Siemens Ltd. 2007 Lab IC Page 590 and Kendriya Vidayalay Sanghathan and Anr. V/s S. C. Sharma (2005) SC LLR Page 275 and Gujarat Agricultural University and Rudabhai Gigabhai and Others/2010 (2) LLN 422.

(10) From scrutinizing oral and documentary evidence and also the case law relied upon by the first party, it appears that the second party workman has complete more than 240 days of work as casual driver from August 1996 to July 1997 but he did not complete 240 days of work preceding to his termination w.e.f. 9-4-1999 in the preceding calendar year of 1998-1999 this issue is answered accordingly.

(11) **ISSUE NO. IV**

As per discussions and findings given to issue No. III in the fore goings paragraphs, I find and hold that the action of the management of department of Telecom (first party) in orally terminating the services of workman

w.e.f. 9-4-1999 is justified ? Because the engagement of the second party workman was as a casual driver on requirement basis whenever the regular driver is not available to drive the vehicle and since the requirement from 9-4-1999 of casual driver had ended so the second party was not even called for his work as casual driver. More so, in the preceding calendar year of 1998, 1999 the workman has not completed 240 days of work so there was no clear requirement of retrenchment notice as per provision of Section 25 (F) of the ID Act, 1947. This issue is decided accordingly in favour of the first party.

(12) **ISSUE NO. V**

Though the workman has not completed 240 days of work preceding to his termination w.e.f. 9-4-1999 but at list in one calendar year August 1996 July 1997 the second party workman completed more than 240 days of work as casual driver in the department of the first party and so in that view of the matter if his appointment as casual driver of car No. GJ-1 G 2781 was by way of casual driver and also considering that he continued to work as casual driver from 1996 to April 1999 though not continuously the casual driver from 1996 to April 1999 though not continuously the department of first party was to pay a lumsum money of compensation to the second party for his such long service of casual driver, because in one calendar year the workman had completed more than 240 days of work and so he is found entitled for some sort of compensation towards payment of lumsum amount to him by the department of first party. However the second party workman is not entitled for his claim of reinstatement to the post and with backwages and other consequential benefits. There is no contrary evidence on behalf of the management that the second party workman since orally terminated from 9-4-1999 remained in gainful employment. On the other hand there is evidence of workman that he remained unemployed since then. In view of the Division Bench Judgment of the Hon'ble Supreme Court in the case of Senior Superintendent Telephone (Traffic Bhopal) V/s Santoshkumar Seal reported in 2010 (0) GLHEL-SC 48285, the second party workman Shri Anwarmiya M. Thakore is only found entitled to get a lumsum compensation of Rs. 10,000 from the first party by way of compensation for his long service as casual driver and also considering that one calendar year he completed more than 240 days of work. This issue is decided accordingly.

(13) **ISSUE NO. I & II**

In view of the findings given to issue Nos. III, IV, V in the fore going paragraphs, I find and hold that the reference is maintainable and the workman has valid cause of action.

(14) **ISSUE NO. VI**

The first party is directed to pay lumsum amount of Rs. 10,000 to the second party workman Shri Anwarmiya M. Thakore by way of compensation within 2 months from the date of publication of this award, failing which the amount will carry interest @ 9% per annum.

Let copies of the award be sent to the Appropriate Government for publication and needful.

BINAY KUMAR SINHA, Presiding Officer

नई दिल्ली, 9 दिसम्बर, 2011

का.आ. 73.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सीनियर सुपरिनटेंडेंट आफ पोस्ट आफिस, चंदरापुर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक, अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 19/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-12-2011 को प्राप्त हुआ था ।

[सं. एल-40012/20/2008-आई आर (डी यू)]
जोहन तोपनो, अवर सचिव

New Delhi, the 9th December, 2011

S.O. 73.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.19/2008) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sr. Suptd. of Post Offices, Deptt. of Posts, Chandrapur and their workman, which was received by the Central Government on 9-12-2011.

[No. L-40012/20/2008-IR(DU)]
JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE SHRI J. P. CHAND, PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/19/2008

Party No. 1 :

The Sr. Suptd. of Post Offices,
D/o Post, Chanda Division,
Chandrapur (M.S.)

Versus

Party No. 2 :

Shri Fakira Parasram Thengne,
R/o Jairampur, Tah Chamorshi,
Chandrapur (M.S.)

AWARD

(Dated : 29th November, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government had referred the industrial dispute to CGIT, Jabalpur between the employers, in relation to the management of State Bank of India and their Union State Bank Karamchari Sena, for adjudication, as per letter No. L-40012/20/2008-IR(DU) dated 9-7-2008, with the following schedule :—

SCHEDULE

"Whether the action of the management of Senior Superintendent of Post Offices, Postal Department, Chandrapur in terminating the services of their workman Shri Fakira Parasram Thengne, w.e.f. 31-8-2006 is legal and justified ? If not, to what relief is entitled ?"

2. On receipt of the reference, the parties were noticed to file their respective statement of claim and the written statement and accordingly, the workman filed his statement of claim and the management filed their written statement

3. The workman has pleaded in his statement of claim that he was appointed as a Branch Post Master at Jairampur and rendered unblemished service for twelve years and in the year 1993, Shri Nampalliwar, Inspector (from the office of Sr. Superintendent of Post Offices, Chandrapur) paid visit to his Post Office and during his such visit, some political persons lodged false complaint against him and also forced some depositors to make false statement before the said Inspector and basing on such false complaint, the Sr. Superintendent started disciplinary proceeding under Rule 8 of E.D.A. (C & S) Rule, 1964 and issued charge sheet against him on 28-3-1994, on the allegations of non accounting of Rs. 2100 and also made complaint at the Police Station, Gadchiroli alleging misappropriation of government money and a criminal case was initiated against him and charge sheet was submitted by the Police in the Court of Judicial Magistrate First class, Gadchiroli and he faced his trial in the Court and was acquitted by the judgment dated 16-5-2002 and as he was involved in the criminal proceeding, he was not able to submit his show cause to the charge sheet dated 28-3-1994 and as both the criminal proceeding and the departmental enquiry were based on identical facts, it was necessary to stay the departmental proceeding till the conclusion of the criminal case and as he did not admit the charges levelled against him in the charge sheet dated 28-3-1994, it was required for the management to follow the procedure given in Rule 14 of C.C.S. (C.C.A.) Rules 1965 to enquire into the charges, but the management without appointing any Inquiry Officer or examining any witness or giving any opportunity to him of being heard and without following the procedure passed the order of removal from service against him on 6-10-1994 illegally and he preferred an appeal to the Director of Postal Services, Nagpur Region, Nagpur on 23-9-2002, but the Director without going to the merit of the case, rejected the appeal by his order dated 14-11-2002 and the copy of such rejection was received by him on 23-4-2003, so he raised the dispute before the Assistant Labour Commissioner, Chandrapur and the management appeared before the Assistant Labour Commissioner and agreed to revoke the order of termination dated 6-10-1994 and start fresh enquiry and the management acted upon such agreement and appointed the Inquiry Officer, held enquiry and again terminated his service by order dated 31-8-2006 and he preferred an appeal against such order, before the Director of Postal Services, Nagpur Region on 27-9-2006 and as no order was passed on the appeal, even after the lapse of 10 months time, he again raised the dispute before the Assistant Labour Commissisoner on 6-7-2007 and during the enquiry, though he informed the Inquiry Officer about his acquittal in the criminal case No. 24/1996 on 16-5-2002 by the Chief Judicial Magistrate, Gadchiroli, which was initiated against him on the ground of misappropriation of government money, the Inquiry Officer did not give proper weight to the said judgment and without any evidence and without giving any opportunity to cross-examine Smt. Mandabai Shedmake and Smt. Pochubai Regundawar, mechanically held the charges to have been proved against him and the order of termination of his service was also passed mechanically, without taking into consideration the representation made by him and the findings of the Inquiry Officer are perverse and the enquiry report is illegal and bad in law and against the principles of natural justice and the quantum of punishment is also erroneous, whimsical, unconstitutional and against the principles of natural justice and disproportionate to the charges leveled against him. The workman has prayed to set aside the order of his dismissal from service and for his reinstatement with continuity of service and full back wages.

4. In the written statement, it is pleaded by the management that the workman is not a "workman" as defined under section 2(s) of the ID Act and Party No. 2 is also not an industry, in view of the judgment of the Hon'ble Supreme Court in Civil Appeal No. 3385-86 of 1996 and the workman was working as E.D.B.P.M., Jairampur and while working as such, he misappropriated SB/RD amount to the tune of Rs. 7005-50 deposited by the depositors and as such, he was placed under "put off" duty from 30-10-1993 and removed from service w.e.f. 6-10-1994, after due enquiry and the appeal filed by him was rejected on 14-11-2002 and in the conciliation proceeding held before the Assistant Labour Commissioner on 17-6-2004, it was agreed upon to set aside the order, subject to specific terms and conditions as laid down in the memorandum of settlement arrived at in between the parties, with the undertaking to hold a denovo enquiry from the stage of issue of charge sheet and therefore, the disciplinary proceeding in the matter was conducted and the workman was removed from service w.e.f. 31-8-2006 and as the workman did not submit his written statement to the charge sheet dated 30-3-1994, the punishment of removal from service had been passed and subsequently as commission of fraud was detected in SB/RD account for more than Rs. 4,000, the matter was reported to the Police regarding the misappropriation of government money and the workman was acquitted by the Court, but departmental proceeding and criminal proceeding are both different issues and cannot be merged and before conducting enquiry, the prosecution witness Smt. Pachubai Regundawar, who is a resident of Jairampur was summoned and the enquiry was held in her village and it was found that she is about 75 years old and unable to move and also unable to understand the question put to her during the enquiry and the workman was present during such enquiry and the said witness could not able to recognize the workman and as such, the Presenting Officer and the workman suggested to exclude her examination, so, Smt. Regundawar was not examined and so far as the examination of Smt. Mandabai Shedmake is concerned, the workman in his letter dt. 28-7-2005 pointed out that SB Account No. 42344 was referred in the criminal case and he was tried in the Court of law and was acquitted from the charge and as such, the said A/c was disregarded from the departmental proceeding and examination of the depositor was not considered to be necessary and the enquiry proceeding was held in respect of SB A/c No. 42366 and 42084 only and the findings of the Enquiry Officer are based on the evidence on record and the enquiry is legal and the workman misappropriated government money and committed grave offence and as such, the punishment imposed against him is not

disproportionate and the enquiry was held by observing the principles of natural justice and by giving full opportunity to the workman to defend himself and as criminal proceeding and the departmental proceeding are two different and independent proceedings, the Workman cannot claim exoneration from the penalty imposed in the departmental proceeding, on the ground of his acquittal in the criminal proceeding and the workman is not entitled for any relief.

5. As the dismissal of the workman from services was after holding a departmental inquiry against him, the validity of the departmental enquiry was taken as a preliminary issue for consideration and as per order dated 30-11-2010, the departmental enquiry against the workman was held to be legal and proper and by following the principles of natural justice.

6. It is necessary to mention here that the case proceeded exparte against the management as per order dated 27-6-2011, as none appeared on behalf of the management for making argument. The learned advocate for the workman also did not make any oral argument and filed a pursis to treat the written notes of argument as oral argument.

7. In the written notes of argument, it was submitted by the learned advocate for the workman that the workman rendered unblemished service for twelve years and there was not a single complaint against him and in the year 1993, during the visit of the postal inspector, Shri Nampalliwar, some political persons lodged false complaint against the workman and also forced some depositors to make false statements, basing on which, the senior Suptd. of Post Offices, Chandrapur started the disciplinary proceeding and on 28-3-1994 issued charge sheet alleging non-accounting of Rs. 2,100 and a police complaint was also made for misappropriation of government money and police submitted charge sheet against the workman and the workman faced the criminal trial in the court of J.M.F.C., Gadchiroli, but he was acquitted by judgment dated 16-5-2002 and as at the time of initiation of the disciplinary proceeding, the workman was facing the criminal trial, he could not submit the representation to the charge sheet dated 28-3-1994 and as both the proceedings were based on identical facts and the charges in the criminal case are of grave in nature, involving complicated question, it was desirable to stay the departmental proceeding till conclusion of the trial of the criminal case. It was further submitted that as the departmental proceeding conducted against the workman was not in accordance with the principles of natural justice and against the procedure given in Rule 14 of CCS (CCA) Rules, 1965, the workman preferred an appeal against the order passed against him, but the Disciplinary Authority rejected the appeal on 14-11-2002 and a dispute was raised by the workman before the ALC and during conciliation, the party No. 1 agreed to revoke the order dated 6-10-1994 and to start fresh enquiry and accordingly, fresh enquiry was made by appointing enquiry officer and again by order dated 31-8-2006, the Disciplinary Authority terminated his services and the workman filed an appeal against the said order to the Appellate Authority on 27-9-2006 and as nothing was heard about the appeal even after the lapse of ten months, the workman again raised the dispute before the ALC, Chandrapur on 6-7-2007 and in the inquiry, material witnesses like Smt. Mandabai Aabaji Shedmake and Smt. Pochubai Ramayya were not examined and the enquiry officer relied on the statement of Smt. Pocubai recorded by the Postal Inspector in 1993 and the workman had no opportunity to cross-examine the said witnesses and the evidence of Shri Shankar Dhondue Nikhade was quite inconsistent and there was no evidence in support of the charge leveled against the workman and the charges were not proved and even though, the workman brought to the notice of the enquiry officer about the said facts, he did not take cognizance of the same and the enquiry officer also did not give proper weight to the acquittal judgment of the criminal court dated 16-5-2002 and mechanically held the charges to have been proved against the workman and even though, the workman brought such facts to the notice of the Disciplinary Authority in his representation dated 11-8-2006, the Disciplinary Authority also mechanically passed the order of termination on 31-8-2006 and the appeal filed by the workman was rejected on 30-10-2007 and as the findings of the enquiry officer are not based on evidence on record, the same are perverse and as the workman was acquitted in the criminal case, he should have been reinstated in service and the punishment is illegal and against the principles of natural justice and is quite disproportionate and the enquiry report is illegal, bad in law and perverse and as such, the workman is entitled for reinstatement in service with full back wages.

8. The first contention raised on behalf of the workman is that there cannot be a criminal trial and a parallel disciplinary proceeding at the same time against the workman and when there was a criminal trial pending on certain charges, it was necessary that the departmental proceeding should have been stayed till the disposal of the criminal trial. It was further contended that as the criminal trial against the workman ended in acquittal on merits, the workman should have been reinstated in service. Before considering the facts of this case, the general principles that govern the trial in criminal case and proceedings before disciplinary authorities have to be clearly borne in mind. The purpose of departmental enquiry and the prosecution are two different and distinct aspects. The criminal prosecution is launched for an offence for violation of a duty, the offender owes to the society or for breach of which law has provided that the offender shall make satisfaction to the public. So crime is an act of commission in violation of law or of omission of public duty. The departmental enquiry is to maintain discipline in the service and efficiency of public service. It would, therefore be expedient that the disciplinary proceedings are conducted and completed as expeditiously as possible. It is not, therefore desirable to lay down any guidelines as inflexible rules in which the departmental proceedings may or may not be stayed pending trial in criminal case against the delinquent officer. Each case requires to be considered in the back-drop of its own facts and circumstances. There would be no bar to proceed simultaneously with departmental enquiry and trial of a criminal case.

Acquittal by a criminal court would not debar an employer from exercising power in accordance with Rules and Regulations in force. The two proceedings criminal and departmental are entirely different. They operate in different fields and have different objectives. Whereas

the object of criminal trial is to inflict appropriate punishment on the offender, the purpose of enquiry proceedings is to deal with the delinquent departmentally and to impose penalty in accordance with Service Rules. In a criminal trial, incriminating statement made by the accused in certain circumstances or before certain officer is totally inadmissible in evidence. Such strict rules of evidence and procedure would not apply to departmental proceedings. The degree of proof, which is necessary to order a conviction, is different from the degree of proof necessary to record the commission of delinquency. The rule relating to appreciation of evidence in the two proceedings is also not similar. In criminal law, burden of proof is on the prosecution and unless the prosecution is able to prove the guilt of the accused beyond reasonable doubt, he cannot be convicted by the court of law. In departmental proceeding on the other hand penalty can be imposed on the delinquent officer on a finding recorded, on the basis of 'preponderance of probability'. Acquittal of the workman in the criminal trial, therefore, does not ipso facto absolve him from the liability under the disciplinary jurisdiction of the employer.

In this case at hand, on perusal of the documents, it is found that the charges in the departmental proceeding and in the criminal trial were quite different. It is also found that due to the objection raised by the workman, the charges of misappropriation of Rs. 1500 in respect of account No. 42,344, which was a subject matter of the criminal trial was excluded from the charges of the departmental enquiry by the enquiry officer. The witnesses examined and evidence produced in the departmental enquiry and in the criminal trial were not the same. The departmental proceedings and the criminal case were not based on identical and similar facts. Under these circumstances, it is not possible to uphold the contentions raised by the learned advocate for the workman.

9. At this juncture, I think it apposite to mention that when an enquiry is conducted on charges of misconduct, the Court/Tribunal is concerned to determine whether the enquiry was held by a competent officer or whether rules of natural justice are complied with , whether the findings or conclusions are based on some evidence, the authority entrusted with the power to hold enquiry has jurisdiction, power and authority to reach a finding of fact or conclusion. But that finding must be based on some evidence. Neither the technical rules of Evidence Act nor of proof of fact or evidence as defined therein, apply to disciplinary proceedings. Adequacy of evidence or reliability of evidence cannot be permitted to be canvassed before the Court/Tribunal. When the authority accepts the evidence and the conclusion receives support these forms, the Disciplinary Authoirty is entitled to hold that the delinquent officer is guilty of the charge. The Disciplinary Authority is the sole judge of facts. Where appeal is presented, the appellate authority has co-extensive power to re-appreciate the evidence or the nature of punishment. The Court/Tribunal in its power of review does not act as appellate authority to re-appreciate the evidence and to arrive at its own independent findings on the evidence. The Court/Tribunal may interfere where the authority held the proceedings in a manner inconsistent with the rules of natural justice or in violation of Statutory Rules, prescribing the mode of enquiry or where the conclusion of finding reached by the Disciplinary Authority is based on no evidence. If the conclusion of finding be such as no reasonable person would have ever reached, the Court/Tribunal may interfere with the conclusion or the findings and mould the relief so as to make it appropriate to the facts of that case.

Keeping in view the above settled principles in mind, now, the present case at hand is to be considered.

10. In this case, it is already held that the departmental enquiry was proper and valid and in accordance with the principles of natural justice. On perusal of the documents of the departmental proceeding held against the workman, it is found that the enquiry officer has recorded the reason for not examining Smt. Pochubai Ragadwar as a witness. The enquiry officer after assessing the evidence produced in the enquiry found the workman to be guilty of the charges. Cogent reasons have been assigned by the enquiry officer in support of its findings. The enquiry officer has not based his findings on any extraneous matter. The conclusions reached by the enquiry officer are not as such as no reasonable person would have ever reached. It is also not a case of no evidence. Hence, the findings of the enquiry officer cannot be said to be perverse.

11. So far the quantum of punishment is concerned, it is found that serious misconduct of misappropriation of money has been proved against the workman in a properly held departmental enquiry. The workman was working in the postal department, where utmost integrity, honesty and devotion are required. However, the workman betrayed the trust and as such, the matter required to be dealt with firmly. On the facts and conclusion recorded in the enquiry report, the punishment cannot be said to be not commensurate with the misconduct proved against him. Hence, it is ordered :

ORDER

The action of the management of Senior Superintendent of Post Offices, Postal Department, Chandrapur in terminating the services of their workman Shri Fakira Parasram Thengne, w.e.f. 31-8-2006 is legal and justified. The workman is not entitled to any relief.

J. P. CHAND, Presiding Officer

नई दिल्ली, 9 दिसम्बर, 2011

का. आ. 74.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सी.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद नं. 2 के पंचाट (संदर्भ संख्या 245/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-12-2011 को प्राप्त हुआ था ।

[सं. एल-20012/40/1999-आई आर (सी-I)]
डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 9th December, 2011

S.O. 74.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 245/1999) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad, now as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s. CCL and their workmen, which was received by the Central Government on 9-12-2011.

[No. L-20012/40/1999-IR (C-I)]
D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT : Shri Kishori Ram, Presiding Officer

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 245 of 1999

PARTIES :

Employers in relation to the management of CCL, Barkakana and their workmen.

APPEARANCES :

On behalf of the workmen : None

On behalf of the employers : Mr. D. K. Verma, Advocate

STATE : Jharkhand INDUSTRY : Coal

Dhanbad, the 23rd November, 2011

ORDER

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/40/99-IR (C-I), dated, the 4th June, 1999.

SCHEDULE

"Whether the termination of Smt. Basanti Devi and Smt. Lalo Devi by the mgt. of CCL Barkakana w.e.f. 18th Aug., 1985 without giving any notice or notice pay, is justified or legal ? If not, to what relief these workmen are entitled ?"

2. None represented the Union concerned work women Smt. Basanti Devi and Smt. Lalo Devi nor any witness for the evidence produced on behalf of the Union. Mr. D. K. Verma, the Ld. Advocate for the management is present.

3. On going through the case record I find, that previously it has been pending for filing rejoinder on behalf of the work women since 24-6-04, since then due to lack lustre on the part of the workwomen as well as their union representative and since then the case came up for ex-parte hearing i.e. for the evidence of the management as well as for filing the documents. But the Union representative and the work women remained all along unrepresented though several registered notices dt. 20-3-08, 8-12-10, 18-2-11, 11-5-11 were issued to the Union on its address and even then not a single witness examined either on behalf of the management or on behalf of the representative Union. The conduct of the representative Union as well as the workwomen shows their disinterestedness to contest the case which is related to their termination from 18-8-1985. This is the oldest case of the year 1990. Therefore, proceeding with the case for uncertainty is not only futile but also to the wastage of time and energy of the Tribunal. In result, the case is closed and accordingly, order is passed.

KISHORI RAM, Presiding Officer

नई दिल्ली, 9 दिसम्बर, 2011

का. आ. 75.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सी.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद नं. 2 के पंचाट (संदर्भ संख्या 55/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-12-2011 को प्राप्त हुआ था ।

[सं. एल-20012/38/2006-आई आर (सी-I)]
डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 9th December, 2011

S.O. 75.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 55/2006) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad, now as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s. C.C. Ltd., and their workman, which was received by the Central Government on 9-12-2011.

[No. L-20012/38/2006-IR (C-I)]
D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2), AT DHANBAD

PRESENT : Shri Kishori Ram, Presiding Officer

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 55 of 2006

PARTIES :

Employers in relation to the management of Khas Mahal Project of M/s. C.C. Ltd. and their workman.

APPEARANCES :

On behalf of the workman : Mr. D. Mukherji, Ld. Advocate

On behalf of the employers : Mr. D. K. Verma, Ld. Advocate

STATE : Jharkhand INDUSTRY : Coal

Dhanbad, the 29th November, 2011

ORDER

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/38/2006-IR (CM-I), dated the 30-8-2006 :

SCHEDULE

"Whether the demand of the RCMS from the Management of CCL., Khas Mahal Project for regularising Shri Daya Shankar Mishra, Clerk Gr. II as Asstt. Loading Inspector is justified ? If so to what relief is the workman is entitled and from which date ?"

2. Workman Sri Daya Shankar Mishra is present and Mr. D. K. Verma, Ld. Advocate for the Management is also present. The aforesaid workman drawing my attention to the petition dated 13-11-2011 filed on the following day on behalf of Kayala Mahato, the Secretary, R.C.M.S. Khas Mahal Project, B & K Area submitted to withdraw the case on the ground that there is no further dispute with the workman regarding his promotion for the post of Asstt. Loading Inspector Gr. II/C, Khas Mahal Project. The workman as a member of the aforesaid union has personally submitted.

3. The Reference relates to the demand of R.C.M.S. from the Management of C.C.L., Khas Mahal Project for regularising the aforesaid workman as Asstt. Loading Inspector, but the Union as well as workman declined to proceed with the case. Hence the case is closed and accordingly, the order is passed as 'no dispute award'.

KISHORI RAM, Presiding Officer

नई दिल्ली, 9 दिसम्बर, 2011

का. आ. 76.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद नं. 1 के पंचाट (संदर्भ संख्या 54/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-12-2011 को प्राप्त हुआ था ।

[सं. एल-20012/400/1998-आई आर (सी-I)]
डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 9th December, 2011

S.O. 76.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 54/1999) of the Central Government Industrial Tribunal-cum-Labour Court-1, Dhanbad, now as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s. BCCL , and their workman, which was received by the Central Government on 9-12-2011.

[No. L-20012/400/1998-IR (C-I)]
D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference U/s. 10 (1) (d) (2A) of the Industrial Disputes Act, 1947

Reference No. 54 of 1999

PARTIES:

Employers in relation to the management of Nichitpur Colliery under Sijua Area of BCCL.

AND

Their Workman

PRESENT: Shri H. M. Singh, Presiding Officer

APPEARANCES:

For the Employers : Shri. D. K. Verma, Advocate

For the Workman : None

STATE : Jharkhand INDUSTRY : Coal

Dated, the 29-11-2011

AWARD

By Order No. L-20012/400/98-IR (C-I), dated 17-4-99 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Nichitpur Colliery of M/s. BCCL in not absorbing Shri Gouri Shankar Mukherjee, Electrician in the post of Cap Lamp Incharge is justified ? If not, to what relief the concerned workman is entitled ?"

2. The case of the concerned workman is that at first he was employed at Nichitpur Colliery as Cap Lamp Apprentice on 1-5-73. The management in appreciation of his merit, efficiency and performance sent him to M/s. Macneill & Magar Ltd., Disergarh, Burdwan for training in the installation maintenance and use of Oldham Cap Lamp along with the method of self service systems which he successfully completed and was granted certificate to that effect. He also passed the Gas Testing Certificate under Mines Act and has also the general education of passing the matriculation. Under Section 155(5) of the Coal Mines Regulation no person shall be appointed as a competent person under this regulation unless he holds a Manager's, Overman's or Gas Testing or Lamp Checker Certificate. The concerned workman is the only workman in Cap Lamp Room who holds such certificate. The concerned workman applied to the management for his regularisation as Cap Lamp Incharge on 25-5-78 basing his claim on Circular No. Dy. CTM/1-11/312 dated 13-3-78 issued by the Dy. CTM (Trg.), Prashikshan Bhawan, Ekra in which it was stated that the apprentices having statutory certificate are desired to be regularised in the respective job. The Manager of Nichitpur Colliery advised on the body of the application of the concerned workman mentioned here-in-above that he may be regularised and posted where vacancy exists. But there was available the post of Cap Lamp Incharge in Nichitpur Colliery as the management brought one Cap Lamp Incharge from Loyabad Colliery ignoring the case of the concerned workman.

It has been prayed that the Hon'ble Tribunal be pleased to appreciate that the action of the management in not absorbing the concerned workman as Cap Lamp Incharge is unjustified and be pleased to pass an award directing the management to absorb him as Cap Lamp Incharge.

3. The case of the management is that the concerned workman was appointed as apprentice on 1-5-1975 was regularised as Electrician in Nichitpur Colliery and is working as Electrician in Category-V.

The concerned workman demanded regularisation as Cap Lamp Incharge, on the basis of certain certificates obtained by him from M/s. Macneill & Magar Limited, Burdwan. The concerned workman never worked as Cap Lamp Incharge. He is working as Electrician and not entitled for absorption as Cap Lamp Incharge. The holding of certificate does not create any right for getting that post.

It has been prayed that the Hon'ble Tribunal be pleased to pass an award holding that the action of the management is legal and justified and further be pleased to hold that the concerned workman is not entitled for any relief.

4. Both the parties have filed their respective rejoinders admitting and denying the contents of some of the paragraphs of each other's written statement.

5. The management produced MW-1, Rakesh Ranjan, who proved Ext. M-1.

The concerned workman WW-1, Harendra Kumar Singh, who proved Exts. W-1 to W-3.

6. Main argument advanced on behalf of the concerned workman is that he is doing the job of Cap Lamp Incharge and he is not regularised by the management.

7. The management argued that the concerned workman cannot be regularised as Cap Lamp Incharge because the Cap Lamp Incharge is a separate cadre.

8. It has been argued on behalf of the workman that the management's witness, MW-1, Rakesh Ranjan has stated in cross-examination that I do not know whether the said person is holding the necessary certificate for working as Cap Lamp Incharge or not.

The concerned workman has stated that he is having certificate from M/s. Macneill & Magar Ltd., for training in the installation maintenance and use of Oldham Cap Lamp

alongwith the method of self service system which include the legal responsibility of the Lamp Cabin Incharge, and Gas Testing Certificate dated 15-1-1983 and he has passed Bihar School Examination. So he is competent to be appointed as Cap Lamp Incharge. But the management has not done. In this respect it has also been argued that as per Ext. W-2, it has been mentioned that on 28-1-97 a note-sheet was moved from the office of Project Officer proposing necessary adjustment of manpower at Cap Lamp Room for the approval of the Chief General Manager, Sijua Area. So, the requirement for the post of Cap Lamp Incharge is there.

Another argument advanced on behalf of the concerned workman is that as per Ext. W-3, he has been directed by the management to do clerical job as well as control room duty with immediate effect. But this does not reflect the order to do job for the post of clerk because it has been mentioned that "assignment of duty under Safety Department for clerical job as well as control room duty with immediate effect". It shows that he not ordered by the management to work as Cap Lamp Incharge for which he is demanding.

Another argument advanced on behalf of the concerned workman is that as per adjustment of manpower for proper management of Cap Lamp Room dated 28-1-97 it has been stated that he may be allowed to function as Asstt. Cap Lamp Room Incharge. His designation has been mentioned as Electrician Category-V. But this does not bear right to the concerned for getting the post of Cap Lamp Incharge because in this letter it has been mentioned that he may be allowed to function as Asstt. Cap Lamp Room Incharge, but no specific order has been passed by the management in favour of the concerned workman for doing the job of Asstt. Cap Lamp Incharge.

9. Considering the above facts and circumstances, I hold that the action of the management of Nichitpur Colliery of M/s. BCCL in not absorbing Sri Gouri Shankar Mukherjee, Electrician in the post of Cap Lamp Incharge is justified and the concerned workman is not entitled to get any relief.

This is my award.

H. M. SINGH, Presiding Officer

नई दिल्ली, 9 दिसम्बर, 2011

का. आ. 77.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद नं. 1 के पंचाट (संदर्भ संख्या 57/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-12-2011 को प्राप्त हुआ था ।

[सं. एल-20012/11/2003-आई आर (सी-1)]
डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 9th December, 2011

S.O. 77.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 57/2003) of the Central Government Industrial Tribunal-cum-Labour Court-1, Dhanbad, now as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s. BCCL, and their workman, which was received by the Central Government on 9-12-2011.

[No. L-20012/11/2003-IR (C-I)]
D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference U/s. 10 (1) (d) (2A) of the I.D. Act

Reference No. 57 of 2003

PARTIES:

Employers in relation to the management of Incline Mine, Sudamdih Colliery of M/s. BCCL

AND

Their Workman

PRESENT: Shri H. M. Singh, Presiding Officer

APPEARANCES:

For the Employers : U. N. Lal, Advocate

For the Workman : Shri Raij Nath Bhuiya, concerned workman

STATE : Jharkhand INDUSTRY : Coal

Dated the 24-11-2011

AWARD

By Order No. L-20012/11/2003-IR (C-I), dated, 27-6-2003 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether management of Incline Mine, Sudamdih Colliery of M/s. BCCL is justified in dismissing Sri Raij Nath Bhuiya from service w.e.f. 10-7-2002 ? If not to what relief is the workman entitled "

2. In this reference case the concerned workmen was dismissed from service w.e.f. 10-7-2002. During the pendency of the case the concerned workman had represented before the management for taking his in service even as fresh appointee.

3. The management after considering his case decided to take back the concerned workman in service as fresh appointee as underground badli worker in TR Category-I as per the terms of the decision of BCCL Board meeting held on 3/6-1-2011. The Union is also intended to withdraw the case.

In such circumstances, the concerned workman prayed before this Tribunal to allow him to withdraw the case pending before this Tribunal and to pass necessary in this case.

In view of the above prayer made by the concerned workman and the union, I pass a 'No Dispute' Award in the present, reference case.

H. M. SINGH, Presiding Officer

नई दिल्ली, 9 दिसम्बर, 2011

का. आ. 78.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स भारत पैटोलियम कॉरपोरेशन लिमिटेड एवं अरुण राज कोनटैक्टर, श्री जी. के. पाल, श्री प्रकाश खन्डीत कोनटैक्टर, नागपुर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 203/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-12-2011 को प्राप्त हुआ था ।

[फा. सं. एल-30011/29/2003-आई आर (एम)]
जोहन तोपनो, अवर सचिव

New Delhi, the 9th December, 2011

S.O. 78.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 203/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Bharat Petroleum Corporation Ltd., Nagpur, 2. Sh. Arun Raj, BPCL Cont., Sh. G K. Pal Cont., Sh. P. Khandait Cont., Nagpur and their workman, which was received by the Central Government on 9-12-2011.

[F. No. L-30011/29/2003-IR (M)]
JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE SHRI J. P. CHAND, PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/203/2003

Party No. 1 : The Territory Manager, Bharat Petroleum Corpn. Ltd., (Bharat Gas), Plot No. D-1, Buttibori Ind. Area, PB No. 9, Vill. Gangapur, Nagpur

1(a) : Shri Arun Raj, BPCL Contractor, Type 'A' Block 20, Tenement No. 33, AT & PO : Buttibori (Police Station), Tah. Hingna, Distt. Nagpur

1(b) : Shri G. K. Pal, Prop. M/s. Karan Enterprises, Plot No. 37, Teacher's Colony, New Bus Stand, Buttibori, Distt. Nagpur

1(c) : Shri Prakash Khandait, Type 'A', Block 20, Tenement No. 22, CIDCO Colony, At & PO Buttibori (Police Station), Tah. Hingna, Distt. Nagpur

1(d) : Regional Labour Commissioner and Conciliation Officer, (Under I.D. Act 1947) C.GO. Complex, Seminary Hills, Nagpur

Versus

Party No. 2 : Shri Krishna Ubale, President Bahujan Employees Federation of India, 20 Dhadiwal Layout, Nagpur-440027

Name of the claimants involved in the dispute :

1. Shri Jairam Maroti Wasnik
2. Shri Kawadu Shankarrao Ragit
3. Shri Moreshwar Motiram Gote
4. Shri Sanjay Waghade
5. Shri Ramdus Maraskolhe
6. Shri Moreshwar Ashokraoji Wade
7. Shri Haribhan Sawarkar

8. Shri Mahendra Lokhande

9. Shri Arvind Vithalrao Warbhe

10. Shri Gopichand Kalichand Patle

11. Shri Pradeep Bhodale

AWARD

(Dated : 17th November, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Bharat Petroleum Corporation Limited and their Union Bhaujan Employees Federation of India, for adjudication, as per letter No. L-30011/29/2003-IR(M) dated 29-7-2003, with the following Schedule :

> "Whether the General Secretary, Bahujan Employees Federation of India, Nagpur is justified in demanding upward revision of daily wages at the level of Rs. 125.45 per day in respect of unskilled contract labour workmen employed through the contractors by the management of M/s. Bharat Petroleum Corporation Ltd., LPG Plant, Buttibori, Gangapur, Tah-Hingna, Distt. Nagpur ? If not, to what relief the workers are entitled ? Whether the action of the employers in terminating the services of 11 contract workers (List attached) w.e.f. the dates given against each is legal and justified ? If not, to what relief the workmen are entitled ?"

2. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement and accordingly, the Union "Bahujan Employeers Federation of India" ("the union" in short) filed statement of claim on behalf of the 11 claimants and the management of Bharat Petroleum Corporation Limited (here-in-after referred to as the Party No. 1) filed its written statement.

The case of the eleven claimants as projected by the union in the statement of claim is that the union is a registered union under the Trade Union Act and the claimants are its members and the claimants were employed directly by party no. 1 (a) as unskilled labourers in April, 2001, i.e. right from commissioning of its plant at Buttibori and the contents of the letter No. N-5(08)/2002 ID dated 10-4-2003 submitted by the Regional Labour Commissioner ("RLC" in short) regarding the failure of the conciliation are incorrect, as in the letter dated 11-11-2002 submitted by the union to the Regional Labour Commissioner and Conciliation Officer, Nagpur, it was claimed that 19 labourers working as unskilled labourers with party no. 1 had been treated and shown mala fidely as engaged by the contractors and in its letter dated 18-11-2002 addressed to the RLC, it was mentioned that claimant, Sanjay Waghade sustained injury in his middle finger of left hand on 13-11-2002 while working on a stopper line and as per the direction of Shri B.C. Mandal, he was admitted in Rachna Hospital, Industrial Area, Buttibori, but he was discharged from the said hospital without any discharge card at the behest of the officers of party no. 1 and party no. 1 clandestinely shown the claimants as contract labourers engaged through the contractors Sl. Nos. 1(a) to 1(c) and the alleged contract between the party no. 1 and party nos. 1(a) to 1(c) was sham and nominal, rather a camouflage with the intention to defeat the relationship of master and servants between party no. 1 and the claimants and the RLC toed the line of party no. 1 without ascertaining and relying into relevant records available with him and referred the matter to the Central Government, treating the claimants as contract labourers and accordingly the government also referred them as contract labourers in the reference.

It is further pleaded by the union that the claimants are workman within the meaning of Section 2(s) of the Act and the work performed by them was to perennial in nature and they had been performing duties of filling of cylinders their stacking/destacking, maintaining of electrics installation and fire fighting equipments and the claimants were given necessary training for the same and they were being paid Rs. 50 per day for each working day and as a matter of fact there are more than 40 workmen working in the plant of party no. 1, apart from the clerical and managerial staff and the Government of India vide notification dated 29-6-1999 prohibited the employment of contract labour on the works of loading/unloading of gas cylinders on conveyer belts and stacking and destacking of gas cylinders in the establishment of liquefied petroleum gas dispatch unit plant of BPCL and in the light of the said notification, the party no. 1 should not have engaged the contract labour for the purpose of loading/unloading, stacking/destacking of gas cylinders in their plant by party no. 1 and party no. 1 vide letter dated 18-11-2002 addressed to RLC had mentioned that the claimants were engaged for internal movement of cylinders through the contractors and contract labour cannot be engaged in firefighting system and maintenance of electrical installation as per the notification of Government of India and the acts of the Territory Manager of BPCL being contrary to the Notification of the Government of India warrant a penal action against him.

The further case of the claimants is that they were factually employed by party no. 1 directly and they had been performing the same duties as were being done by the other workers and the applicants were imparted full training for filling and handling of cylinders, fire fighting equipments and electrical installations and party no. 1

took a somersault and came up with a cooked up storey that they were engaged through contractors, who were factually fake persons and merely a creation of the party No. 1 and the said contractors were neither holding any license as require under the rules nor they were maintaining any records and verification of payment of wages was not done by the officer of party No. 1 though the same were necessary under the Rules made under the Contract Labour (Regulation and Abolition) Act, 1970 and though, they were requesting for payment of minimum wages and for providing necessary facilities and identity cards, no heed was paid to the same by party No. 1 and they were orally retrenched and they were termed as contract labours.

The applicants have prayed to declare them as workmen of party No. 1 from the date of their engagement and that they are entitled to the prescribed wages, facilities and benefits as are applicable to the regular workmen of the plant and to declare their retrenchment as illegal and mala fide and to reinstate them in services with full back wages.

3. The party No. 1, Bharat Petroleum Corporation Limited has resisted the claim of the applicants by filling its written statement. Inspite of notices, the parties 1(a) to 1(d) neither appeared in the case nor filed any written statement.

The party no. 1 has pleaded in the written statement inter-alia that there was neither any previty of contract nor any relationship of employer and employee or master and servant as between it and the applicants are not covered by the definition of workman under section 2(s) of the Act and as such the dispute cannot be said to be industrial dispute u/s. 2(k) of the Act and the applicants has raised similar dispute before the first Labour Court (State), Nagpur in Misc. complaint No. ULP No. 21 of 2003 and the matter was dismissed on 3-7-2006 and as such, this reference is not maintainable on the basis of the principles of resjudicata. It is further pleaded by the party No. 1 that the applicants were never employed directly by it and they were engaged by the contractors and they were never carrying out risking jobs like filling of cylinders and it has a strength of fourteen regular workmen (17 workmen in 2002) who are carrying out the day to day filling/bottling operations and it provides those regular workmen required safety equipment depending upon the nature of the jobs and it has a separate cell termed as "Health safety and environment" and all its locations are subjected to safety audit by Oil Industry Safety Directorate and for that, safety talk, safety clinic and monthly, fire fighting training (fire drill) etc. are given to all the persons working in the plant including the contract labours, in order to spread the message of safety consciousness among all and the same does not mean that applicants become its regular workmen and the contractors were paying minimum wages to their labourers at the rates prevalent from time to time and the contractors registered with it were maintaining the relevant registers and records as required under labour statutes and there were never more than 40 workmen in its plant including clerical and managerial staff and there are 14 workmen and three clerical staff and the details of contract labours working under each contractor are provided in the report being sent by it to RLC, Nagpur periodically and the loading and unloading of gas cylinders on conveyer belts and stacking and destacking is under taken by transport contractors under its transport contract and not by parties No. 1(a) to 1(c) and contract labours were engaged only for providing assistance of fire fighting system and maintaining electrical equipments and it has its own trained fire fighting team with clearly spelt out roles of each person and there is a complete fire order which details the role of each and every team member at the time of any emergency and the contractors were deploying the contract labours based on requirement of the particulars job/day and since they were working under the contractors, the question of their retrenchment by it and the allegations that it has falsely labelled the applicants as contract labours are totally unfounded, baseless and purely a figment of imagination and the statement of particulars of the applicants regarding their period of working and date of termination etc. is a make belief statement prepared by the applicants in order to suit their porpose and the applicants are not entitled for any relief.

4. Besides placing reliance on documents, parties have adduced oral evidence in support of their respective claims. Jairam Maroti Wasnik, one of the claimants has been examined as a witness on behalf of the claimants. Party No. 1 has examined B. C. Mondal, the Territory Co-ordinator as a witness in support of its case.

The examination-in-chief of the witness, Jairam is reiteration of the facts mentioned in the statement of claim. However, in the cross-examination, this witness had admitted that at the time of appointment the company has not issued any public notice calling application and the name of the applicants were not sponsored through employment exchange and they were interviewed by giving calls and the company did not issue appointment orders appointing the applicants and the company also did not issue attendance cards as well as identity cards and they have not filed any documents to show that the company was paying salary to them and J. K. Paul was the contractor to thread the caps of the cylinders.

5. The evidence of the witness examined on behalf the party No. 1 is also in the same line of the stands taken by the party No. 1 in the written statement. The evidence of the witnesses for party No. 1 has not been seriously challenged in the cross-examination.

6. During the course of argument, it was submitted by the learned advocate for the applicants that in April 2001, BPCL Plant was commenced and as per requirements, the applicatns were orally appointed by party No. 1 and after rendering 2½ years of continuous service they raised voice against unfair labour practice and demanded wages of Rs. 125 per day instead of Rs. 50 as per Minimum Wages Act and other facilities and took the matter to the RLC through the union and to save its skin and to escape from its responsibility, the party no. 1 took the stand that the applicants were not directly appointed by it, but they were engaged through contractors but as none of the said contractors appeared before the RLC to say that the applicants were engaged by them and without any basis, the RLC referred the matter to the Central Government mentioning the applicants as contract labours and before the Tribunal also, the so called contractors have not appeared to claim that the applicants were contract labourers, even though they have been impleaded as parties and as party No. 1 has not produced any evidence in support of its stand that the applicants were contract labours, it can be held that the applicants were engaged directly by party No. 1 and as the applicants were engaged in the work, in violation of the provision of Contract Labour (Regulation and Abolition) Act, 1970, penal action is necessary to be taken against the Territory Manager. It was further submitted by the learned advocate for the applicants that where the applicants were engaged through unlicensed and unregistered contractor, they should be deemed to be workmen of the principal employer.

In support of such contentions, reliance was placed by the learned advocate for the claimants on the decisions reported in AIR 1987 SC-777 (Catering Cleaners of Southern Railways Vs. Union of India), AIR 1990 SC-532 (Sankar Mukherjee Vs. Union of India) and 1991 LAB IC-1747 (Allahabad High Court) (M/s. Indians Farmers Fertilizer Co-operative Ltd. Vs. Industrial Tribunal).

7. Per contra, it was submitted by the learned advocate for the party no. 1 that party No. 1 is a Government under taking and in the reference, the contractors are not impleaded as parties, but in the statement of claim, the contractors have been made parties, which is not in accordance with law and the union is not entitled to represent the applicants and as the union is not formed for the particular industry, and it has no right to file the dispute and the applicants have been added as parties without any authority of law and therefore, the statement of claim as filed is totally illegal and as a similar dispute had been raised by the applicants before the First State Labour Court, Nagpur the same was dismissed on 3-7-2006, the union has no right to approach this Tribunal again, in view of Section 59 of the Maharashtra Act No. 1 of 1972. It was also submitted by the learned advocate for the party No. 1 that the witness for the applicants has admitted in his evidence that the applicants were not sponsored through employment exchange and no appointment order was issued and there is no evidence that the applicants were ever engaged by party No. 1 and from the same, it is clear that the applicants were not recruited, after due procedure and as such, they are not entitled to any relief in view of the judgment in Umadevi's case and the evidence of the witness examined on behalf of the party No. 1 has not been shaken in the cross-examination and it is clear from his evidence that the applicants were never engaged directly by the party No. 1 and the applicants are not entitled for any relief.

8. In view of the objections raised by the party no. 1 regarding maintainability of the reference, I think it necessary to first deal with the same. The first objection raised is regarding the reference not to be maintainable on the principles of resjudicata. It was submitted that the applicants had filed Misc. (ULPA) No. 21/2003 before the First Labour Court, Nagpur, for the same relief and the same was finally decided on 3-7-2006 and as the principles of resjudicata apply to the present case, the same is not maintainable. However, on perusal of the order passed in Misc. (ULPA) No. 21/2003, it is found that the said case was not disposed of on merit, but the same was dismissed by the said court, on the ground of its having no jurisdiction to entertain the complaint. As Misc. (ULPA) No. 21/2003 was not disposed of on merit, the present reference cannot be said to be barred by the principles of resjudicata. Hence, there is no force in the contention raised by the party No. 1

9. At the outset, I think it apropos to mention that in the schedule of reference, it has been mentioned that the applicants are contract labours. However, in the statement of claim, the union has claimed that the claimants were directly appointed by the party No. 1 and party No. 1 has wrongly termed them as contract labours and the RLC also wrongly toed with party No. 1 and mentioned the claimants as contract labours in the report submitted by him to the Central Government and therefore, Central Government also referred the claimants as contract labours. The main prayer of the union is to declare the applicants as the workman of party No. 1 from the date of their engagement.

It is well settled by the Hon'ble Apex Court in number of decisions that the Tribunal cannot go beyond the reference and adjudicate dispute beyond the schedule of reference.

In this case, if according to the union, the schedule of reference regarding the status of the applicants was not correct, then the union should have taken the matter with the Central Government to modify the schedule of reference. However, the union did not take any step for correction of the schedule of reference.

The learned advocate for the applicants placed reliance on the decision reported in 1991 LAB. I. B-1747 (Supra) in support of the submission that the Tribunal can decide incidental question if larger question is before it and therefore, the Tribunal can decide the question that the applicants are workmen of party No. 1. However, with respect, I am of the view that the aforesaid decision has no application to the present case at hand, as because, in the case referred in the decision, the dispute was referred naming both the company and the contractor as employers and the wording of the reference were as to whether the employees were workmen of the employers, whereas, the same is not the case in the present reference. As already mentioned above, in this case, the applicants have been referred in the schedule of reference as contract labours.

Moreover, it is clear from the letter written by the union to the RLC dated 11-11-2002, wherein it had been mentioned that "the labourers have complained that the contractor is nobody else but in Shri Arun Raj, the Brother-in-law of Territorial Manager (TM)", the letter of the RLCs to the Government dated 10-4-2003, in which it had been mentioned that, "During the course of conciliation meeting the management representatives of BPCL were persuaded to use their good offices in bringing about a amicable settlement of the industrial dispute and for these purposes they were advised to facilitate a meeting between the union representatives and Shri Arun Raj contractors. Accordingly, a meeting had taken place on 10-10-2002 but the dispute remained unresolved. Shri Arun Raj, BPCL contractor and other contractors did not attend conciliation meeting on 15-2-2003. The union representatives did not agree for keeping the conciliation proceedings pending and continuation of efforts to hold further join discussions. It was also brought to their notice that the union can avail the remedy under rule 25(2)(v)(b) of Contract Labour (Regulation and Abolition) Central Rules, 1971 for seeking fixation of wages rates, hour of work and conditions of service", the pleadings made by the applicants in the statement of claim that in view of the engagement of the applicants in different works prohibited under the Contract Labour (Regulation and Abolition) Act, 1970, penal action should be taken against the Territorial Manager, the prayer made in the claim petition, the evidence of one of the claimants and the admission made in the cross-examination by the witness examined on behalf of the claimants that J. K. Paul was the contractor to thread the caps of the cylinders and the contentions raised in the argument and notes of argument regarding taking action against the Territorial Manager under the penal provisions for the alleged engagement of the applicants in work prohibited under the Contract Labour (Regulation and Abolition) Act, 1970, it is clear that the applicants were contract labours and they were not engaged directly by the party No. 1 and there is no force in the contention raised by the learned advocate for the applicants in that respect.

10. The first question required to be considered is as to whether the applicants were entitled for revision of daily wages to Rs. 125.45 per day. In this respect, in the statement of claim it has been casually mentioned that the claimants were paid Rs. 50 for each working day and they were not being paid the minimum wages. It is necessary to mention here that no evidence has been adduced by the claimant or the union to show that the claimants were entitled to get wages @ Rs. 125.45 per day and that was the minimum wages fixed by the Government for unskilled labour. In absence of any legal evidence to show that the applicants were entitled for revision of daily wages at the level of Rs. 125.45 per day, it cannot be said that the applicants are entitled for the revision of daily wages.

11. So far the termination the applicants from services is concerned, it is clear from the pleading of the parties and the discussions made above that the applicants were contract labours and the party No. 1 had no direct control over the applicants and as such, there was no question of termination of their services by the party No. 1.

So for the termination of the services by the contractors is concerned, the applicants have not adduced any legal evidence to show that they had worked for 240 days in the preceding 12 months of the alleged respective dates of their termination. Moreover, the dispute was not raised before the RLC by the union or the claimants that the contractors terminated their services and the matter of the termination of services by the contractors was not conciliated before the RLC. Hence, the termination of the services of the applicants by the contractors if any cannot be said to be illegal or unjust. Hence, It is ordered :

ORDER

The demand of the General Secretary, Bahujan Employees Federation of India, Nagpur for upward revision of daily wages at the level of Rs. 125.45 per day is respect of unskilled contract labour workmen employed through the contractors by the management of M/s. Bharat Petroleum Corporation Ltd., LPG Plant, Buttibori, Gangapur, Tah. Hingna, Distt. Nagpur is unjustified. The action of the employers in terminating the services of 11 contract workers (List attached) w.e.f. the dates given against each is legal and justified. The applicants are not entitled for any relief.

J. P. CHAND, Presiding Officer

नई दिल्ली, 9 दिसम्बर, 2011

का.आ. 79.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स मैंग्नीज ओर इन्डिया लिमिटेड, नागपुर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 7/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-12-2011 को प्राप्त हुआ था ।

[सं. एल-27012/3/2007-आई. आर. (एम)]
जोहन तोपनो, अवर सचिव

New Delhi, the 9th December, 2011

S.O. 79.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 7/2008) of the Central Government Industrial Tribunal/Labour Court, Nagpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s. Manganese Ore (India) Ltd. Nagpur and their workman, which was received by the Central Government on 09-12-2011.

[No. L-27012/3/2007-IR(M)]
JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE SHRI J.P. CHAND, PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/07/2008
Date : 18-10-2011

Party No. 1 : The General Manager (P),
Manganese Ore (I) Ltd.,
3 Mount Extn., Sadar,
PO Box No. 34,
Nagpur-440001

Versus

Party No. 2 : Shri Sukhdeo Gehru Sinha,
Piece Unskilled Worker,
At Dhangaon, Post & Tech.
Daudi Lohara, Thana,
Durg (CG)

AWARD

(Dated : 18th October, 2011)

This is a reference made by the Central Government in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) (here-in-after referred to as "the Act") for adjudication of the industrial dispute between the employers in relation to the management of Manganese Ore (I) Ltd., (in short MOIL) and their workman, Shri Sukhdeo Gehru Sinha (here-in-after referred to as "the workman") as per letter No. L-27012/3/2007-IR(M) dated 4-3-2008, with the following schedule :

SCHEDULE

"Whether the termination of Sh. Sukhdeo Gehru Sinha, piece rated semi-skilled worker by the management of Manganese Ore (INDIA) Ltd., Nagpur w.e.f. 28-11-99 is just and legal ? If not, to what relief the concerned workman is entitled ?"

2. After receipt of the reference, the parties were noticed to file their respective statement of claim and written statement, in response to which, the workman, Shri Sukhdeo Gehru Sinha ("the workman" in short) filed his statement of claim and the management of Manganese Ore (I) Ltd., ("the party No. 1" in short) filed the written statement.

In his statement of claim, the workman has pleaded inter-alia that a charge sheet was issued against him on 27-8-1998, on the allegation that he along with one Shri Simen Santiyago, at the time of presentation of the attendance card in the office, instigated the employees by shouting not to do the work, for which eighteen workers left the work and thereby caused loss to the company and one Shri D.P. Sharma was appointed as the Inquiry Officer to conduct the enquiry against him and though there were three complainants, the Inquiry Officer examined only two of them and did not examine the star witness, Shri P.B. Majumdar, Mines mate deliberately, as a result of which, he lost the opportunity to cross-examine him and on that ground, it is necessary to set aside the enquiry, holding the same to be illegal and biased. It is also pleaded by the workman that he requested the Inquiry Officer to examine seventeen witnesses in his defence and those witnesses were the workers, who were alleged to have left the work place, due to his instigation, but the Inquiry Officer allowed for the examination of only four witnesses in his defence and those four witnesses deposed in his favour and did not support the case of the management and as the Inquiry Officer did not allow to examine the rest witnesses named by him, he was denied the opportunity of defending his case properly and the same is a sufficient ground to declare the enquiry as illegal and against the provisions of law. The workman has also pleaded that even though according to the allegations made by the management, seventeen others workers left the work, no action was taken against them by the management and though charge sheet had been submitted against Shri Simen Santiyago for the same allegations, no enquiry had been made against Shri Simen and action was only taken against him and the order of

dismissal from service was passed against him with biased mind and though he had submitted his written explanation to the second show-cause notice, he was informed by the Director (Production and Planning) in a letter that in the records, it has been mentioned that he did not file his explanation to the second show-cause notice and the entire departmental enquiry is illegal and not in accordance with the principles of natural justice. The workman has prayed for setting aside the order of dismissal from services and for his reinstatement in service with full back wages.

3. The management refuting the allegations made in the statement of claim has pleaded that the workman had challenged the order of dismissal before the Hon'ble High Court in Writ Petition No. 4270/1999 and the Hon'ble High Court after considering the entire records, by order dated 24-2-2000 have held that, "The proceedings of the enquiry clearly indicate that the petitioner was given sufficient opportunity in the matter. As regards the punishment, considering misconduct which is proved against the petitioner, it cannot be said that the punishment of dismissal was shockingly disproportionate. As such we do not find any merits in the petition. Same is dismissed", and in view of the order of Hon'ble High Court, the present case of the workman is barred by the principles of res-judicata and deserves to be rejected on that ground only. It is also pleaded by the management that the workman was employed at Chikhla Mine as a underground worker and on 27-8-1998, charge sheet was submitted against him for the alleged acts of misconduct, under clause No. 29 (B)(I) and 29(B)(X) and on 18-8-1998, the workman came for duty in the first shift, from 8.00 AM to 4.00 PM and he reported to the time office and deposited his attendance card and he was instructed by the Foreman about the work to be performed and thereafter, the workman went to the cage and talked with some other labourers and thereafter, came out and started shouting of his not wanting to do the work and also instigated other workers for not performing their work and exhorted them to create all sorts of trouble in the industry and thereafter took back his attendance card and went away from duty and there was serious labour unrest and trouble in the company, due to the hostile attitude of the workman and as the workman denied the charges leveled against him, it was decided to hold departmental enquiry and Shri D.P. Sharma, Manager (Personnel), Chikla Mine was appointed as the Inquiry Officer to conduct the enquiry against the workman and the workman was duly intimated about holding of the departmental enquiry on 20-3-1999 at 10.00 A. M. at the Mine Office, vide letter dated 17-3-1999 and the workman acknowledged the communication on 18-3-1999 (wrongly mentioned as 18-3-1998 in the written statement) and it is wrong to say that management deliberately did not examine the mine mate. Shri P.B. Majumdar, but it was the prerogative of the management to examine any or all the witnesses required to prove the case set up by it and as the management found the examination of Shri Vijay Kumar Mine Foreman and Shri Sahadeo Shende, the mine mate was sufficient to prove the charges against the workman, Management did not examine Shri P.B. Majumdar and the workman had never raised any objection during the enquiry regarding the non-examination of Shri P.B. Majumdar and the workman was given sufficient opportunity in the enquiry to defend his case and though the workman had given list of twenty witnesses for their examination in his support, considering the administrative difficulty to examine them, the Inquiry Officer permitted to call four witnesses out of twenty, for their examination on the next day and the workman examined those four witnesses, who deposed in identical manner and the Inquiry Officer finding that no purpose would be served by examining the rest witnesses, asked the workman to give his statement and the workman agreed to the same and accordingly, the proceeding was adjourned to the next date and the enquiry was conducted in a fair manner and there was no violation of principles of natural justice and the workman submitted his explanation to the second show cause notice and the Disciplinary Authority after considering the enquiry report and the reply of the workman to the second show-cause notice, passed the order of termination of service on 27-11-1999 and the punishment of dismissal imposed on the workman is commensurate with the acts of misconduct, which were proved in the enquiry.

4. It is necessary to mention here that as this is a case of termination of the services of the workman, after holding of a departmental enquiry, the validity of the enquiry was taken as a preliminary issue for consideration and as per order dated 26-11-2010, the departmental enquiry was held to be proper and legal and in accordance with the principles of natural justice.

5. At the time of argument, it was submitted by the learned advocate for the workman that there is no legal evidence on record to prove the charges leveled against the workman and the evidence of the two witnesses examined on behalf of the management is quite contradictory to each other and not at all trustworthy and as such, the punishment based on such evidence is not just and proper and the findings of the enquiry officer that the charges were proved against the workman are also not proper and the punishment is most harmful punishment and the same is against the principles of natural justice and the principles of equity and as such, the workman is entitled for reinstatement in service with full back wages.

6. Per contra, it was contended by the learned advocate for the party No. 1 that the departmental enquiry has been held to be fair and proper and to prove the

charges leveled against the workman, management had examined two witnesses and though those two witnesses were cross-examined at length, their evidence remained totally unchallenged and the four witnesses examined by the workman in his defence have admitted about the leaving the place of work alongwith others on 18-08-1998, during working hours, even though they have assigned different reasons for the same but as the said wintesses failed to produce the proof in support of their respective claims, their evidence is of no help to the workman and it is clear from the evidence on record that the charges leveled against the workman have been proved and the enquiry officer has rightly considered the evidence on record produced by both the sides and after its proper evaluation has reached the findings and the findings are duly supported by evidence on record and as such, the findings cannot be said to be perverse and the punishment is justified considering the seriousness of the misconduct.

It was further argued by the advocate for the party No. 1 that prior to the reference, the workman had approached the Hon'ble High Court in Writ Petition no. 4270/99, challenging the termination of his service, which is the subject matter of the present proceedings and the Hon'ble Court by order dated 24-4-2000 dismissed the Writ Petition holding that the punishment of dismissal is not shockingly disproportionate and as such, it can be held that no illegality was committed in awarding the punishment by the party no. 1.

In support of such contention, reliance was placed on the decision reported in 2008 (II) CLR-220 (Employees, in relation to the management of West Bokaro Colliery of M/s. Tisco Ltd. Vs. Concerned workman, Ram Pravesh Singh).

7. Perused the record. Copy of the judgment of the Hon'ble High Court of judicature of Mumbai, Nagpur Bench in Writ Petition no. 4270/1999 has been filed by the party No. 1. On perusal of the said judgment, it is found that the present workman as the petitioner had filed the said Writ Petition arraying the Manganese Ore (India) Ltd., through its Chairman-cum-Managing Director and Deputy General Manager (Mines) as respondents, challenging the action of the party no. 1 in dismissing him from services. It had been contended before the Hon'ble Court on behalf of the workman that no fair opportunity was given to the workman during the enquiry and the punishment is shockingly disproportionate. The Hon'ble High Court on 24-4-2000 was pleased to pass the following orders :

> "The proceedings of the enquiry clearly indicates that the petitioner was given sufficient opportunity in the matter. As regards the punishment, considering misconduct which is proved against the petitioner, it cannot be said that the punishment of dismissal was shockingly disproportionate. As such, we do not find any merits in the petition, same is dismissed."

It is necessary to mention here that from the letter of Government of India, Ministry of Labour dated 24-10-2007, which has been filed by the party no. 1, it is found that the Central Government was pleased to refuse to refer the dispute raised by the workman for adjudication on the ground that the dispute has been raised belated by without giving reasons for delay. It is not known as to how, the Central Government referred the matter again for adjudication. It is clear from the statement of claim filed by the workman that he has suppressed the facts of filing of writ petition no. 4270/1999 before the Hon'ble High Court and dismissal of the writ petition by the Hon'ble Court and also refusal of the Central Government to refer the dispute for adjudication at the first instance. The workman has not come to the Tribunal with clean hands.

8. On perusal of the documents of the departmental proceedings including the report of the enquiry officer, it is found that the findings of the enquiry officer are based on the evidence on record and he has analysed the evidence adduced by both the parties in detail. The enquiry officer has assigned cogent and acceptable reasons in support of his findings. Hence, the findings of the enquiry officer cannot be said to be perverse. The punishment of termination from services of the workman is also not shockingly disproportionate, considering the serious misconduct, which has been proved against him in a proper and fair departmental enquiry.

Moreover, in view of the orders passed by the Hon'ble High Court in writ petition no. 4270/1999 as already mentioned above, the dispute raised by the workman had already been set at rest and such, the reference is not maintainable. Hence, it is ordered :

ORDER

> The termination of Sh. Sukhdeo Gehru Sinha, piece rated semi-skilled worker by the management of Manganese Ore (India) Ltd., Nagpur w.e.f. 28-11-99 is just and legal. The workman is not entitled for any relief.

J.P. CHAND, Presiding Officer

नई दिल्ली, 9 दिसम्बर, 2011

का.आ. 80.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स यूनाईटेड इंडिया इन्श्योरेंस कम्पनी, चेन्नई के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 38/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-12-2011 को प्राप्त हुआ था ।

[फा. सं. एल-17011/7/2010-आई. आर. (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 9th December, 2011

S.O. 80.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 38/2011) of the Central Government Industrial Tribunal/Labour Court, Chennai, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. United India Insurance Co. Ltd., Chennai and their workman, which was received by the Central Government on 09-12-2011.

[F. No. L-17011/7/2010-IR(M)]
JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Thursday, the 24th November, 2011

PRESENT:

A.N. JANARDANAN, Presiding Officer

Industrial Dispute No. 38/2011

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of United India Insurance Co. Ltd. and their Workman].

BETWEEN:

The Regional Secretary All India General Insurance Employees' Congress Old No. 8, New No. 4, Esplanade, U.I.L. Building, Chennai-600 108	:	1st Party/ Petitioner Union

Vs.

The General Manager, United India Insurance Co. Ltd. No. 24, Whites Road, Chennai-600014	:	2nd Party/ Respondent

APPEARANCE:

For the 1st Party/Petitioner Union	:	Sri T.P. Kannan, Authorized Representative
For the 2nd Party/Management	:	Set Ex-parte

AWARD

The Central Government, Ministry of Labour vide its Order No. L-17011/7/2010-IR(M) dated 26-04-2011 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is :

"Whether the action of the management of the United India Insurance Co. Ltd. in denying Annual Increment to Sri D. Pakkirsamy, is legal and justified ? To what relief the concerned workman is entitled ?"

2. After the receipt of Industrial Dispute, this Tribunal has numbered it as 38/2011 and issued notices to both sides. Petitioner entered appearance in person and filed Claim Statement. In spite of service of notice by Regd. Post Ack. Due on the Respondent in sufficient time he did not appear despite several adjournments given for the purpose. Eventually he has been called absent and set ex-parte. So much so no Counter is on record traversing the Claim Statement averments.

3. While so, the petitioner sought to amend the Claim Statement by filing a IA No. 123/2011 and the same was allowed as per order dated 23-08-2011. An Amended Claim Statement was thereafter filed in place of the Claim Statement initially filed. Accordingly the averments in the Amended Claim Statement bereft of unnecessary details read as follows :

The workman, D. Pakkirsamy was appointed as Caretaker on 09-09-1986 under the Respondent Company by an agreement fixing a pay with D.A., CCA and Washing Allowance, etc. Later his Basic Pay was revised to Rs. 875 per mensem as on 01-01-1989 as per the scheme applicable to the employees including Sub-Staff. D.A. and CCA corresponding to the Basic Pay were added to the Basic Pay. The remuneration of the employee was increased on the first of January every year taking into account the increments applicable to the Sub-Staff. But those increments were not actually given. Ministry of Labour by reference letter B. 35/24/97-C. 1-ES-II Guard File directed General Insurance Company, Mumbai to regularize employees in the cadre of persons similar to that of the concerned employee. D. Pakkirsamy had been continuously working in the Respondent Company for more than 21 years since 1986. He should have been regularized but did not do so to deprive him of monetary benefits and other benefits. He is doing the regular work of Caretaker. That he is working under Contractor is false. Contract is sham and nominal. The Contractor is only a name lender who does not know the work or to supervise it. The employee had been working throughout the day with no fixed hours, toiling till late night even denying leave No. PF has been deducted from his salary. Pakkirsamy is working the Guest House of the Respondent forming part and

parcel of the Company. Respondent Officers are staying there under the service rendered by the Caretaker employee. The Officers of the Company can never be called as Guest. The employee was paid the same wages on par with the regular staff as per the scheme amended from time to time. Annual increments have been given together with other allowances including arrears of salary like regular Sub-Staff. Except for a formal order of regularization he is enjoying all the benefits of regular Sub-Staff. ID 74 of 2009 filed earlier in respect of the workman was dismissed on 11-6-2010 by this Tribunal against which WP No. 27750 of 2010 was filed and status-quo has been ordered by the Hon'ble High Court. While so, all of a sudden Respondent stopped his annual increment without prior notice or hearing the employee. From November, 2010 he is being paid consolidated wages with no annual increment which is being received under protest. The issue for regularization is pending in the Writ before the Hon'ble High Court. It is not open to the Respondent to deny him the annual increment. Denial amounts to unfair labour practice. The General Insurance Rationalization and Revision of Pay-Scales and other conditions of service of supervisory, clerical, subordinate staff scale published in Gazette of India dated 21-12-2005 mandates that employees should be given salary under different heads and Respondent has no power to change or alter the same. Denial of annual increment is discriminatory and violative of Article-14 of the Constitution apart from being violative of principles of natural justice. Payment of consolidated wages amount to change in service conditions without notice under Section-9A. Denial of increment was due to wrongful act of the Respondent. Hence it is to be paid with interest. The action is mala fide and illegal. Hence his claim for annual increment w.e.f. August 2002 with arrears and interest.

4. No Counter Statement is on record the Respondent being absent and set ex-parte.

5. **Points for consideration are :**

(i) Whether the denial of annual increment to D. Pakkirsamy is legal and justified ?

(ii) To what relief the concerned workman is entitled ?

6. The evidence consists of Proof Affidavit in lieu of Chief Examination of petitioner and Ex. W1 to Ex. W14.

Points (i) & (ii)

7. Heard Petitioner's counsel. Perused the records, documents and evidence of WW1. The case of the petitioner is that his annual increment is abruptly denied by the Respondent/Management which was without any prior notice and thus in defiance of Section-9A of the ID Act. It is on November 2010 that the Respondent commenced with payment of consolidated wages to the workman with no annual increment. It is sworn to that he has been working continuously under the Respondent Company for more than 21 years even since 1986. He has been paid the same wages on par with regular Sub-Staff as per scheme amended from time to time. He had been given annual increments and other allowances like regular Sub-Staff. ID raised as number 74/2009 dismissed by this Tribunal has been appealed against by way of Writ before the Hon'ble High Court whereunder the Hon'ble High Court has granted status-quo order and the Writ Petition is still pending. Petitioner has produced Ex. W1 to Ex. W14 which would tend to show that he has been denied annual increments but not from August 2002 as claimed but from November 2010 as averred in Para 11 of the Amended Claim Statement. Though his claim is for payment of annual increment w.e.f. August 2002 basis for the claim from the said date other than from November 2010 is not established. While the claim is for payment of annual increment from August 2002, his supporting averment in Para-11 of the Amended Claim Statement is that he is paid consolidated wages and no annual increment is paid from November 2010. His specific case is that annual increment is not paid from November 2010 and not from the date of August 2002. Regarding the period of claim for the payment of annual increment there is a discrepancy which does not stand explained. However, it is made clear that from some point of time the Management stopped payment of annual increment to the concerned workman which is discernibly a change of service condition brought about without a prior notice as contemplated under Section -9A of the ID Act which is discriminatory and violative of Article-14 of the Constitution. It is Constitution. It is again violative of Section-9A of the ID Act and principles of natural justice. The same is illegal.

8. From the evidence of WW1 coupled with Ex. W1 to Ex. W14 it is prima-facie and formally proved that the concerned workman is denied his annual increment. The Respondent/Management though served with notice has not turned up to challenge the case or evidence adduced on behalf of the Petitioner Union. Rules in the Evidence Act or Code of Civil Procedure regarding admission of evidence would be of guidance as tool of fair procedure only when a tool becomes necessary for application on the face of any challenge to the material produced. In the absence of any contra evidence and pleadings or any challenge to the credibility of the evidence of the petitioner, let in by way of Proof Affidavit in lieu of Chief Examination, thus not tested by the touchstone of cross-examination, but supported by documents, it is only just and proper for this Court to be swayed away for giving a finding in favour

of the case of the Petitioner Union as pleaded and formally and prima-facie established. Therefore, it is only to be held that the workman is entitled to payment of annaul increment from the date from which it was stopped by the Management unjustly or illegally whether it be from August 2002 or November 2010, whatever, denial of which is not legal and justified.

9. He is also entitled to litigation expenses of Rs. 5,000 but not for any interest on the arrears of annual increments payable to him.

10. The reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 24th November, 2011).

A.N. JANARDANAN, Presiding Officer

Witnesses Examined :

For the 1st Party/Petitioner Union : WW1, Sri T.P. Kannan

For the 2nd Party/ Management : None

Documents Marked :
On the petitioner's side

Ext. No.	Date	Description
Ext. W1	04-01-2002	Office Note–United India
Ext. W2	29-01-2002	Office Note–United India
Ext. W3	12-03-2002	Office Note–United India
Ext. W4	10-08-2004	Office Note–United India
Ext. W5	25-01-2005	Voucher–United India
Ext. W6	24-01-2006	Voucher–United India
Ext. W7	22-01-2007	Voucher–United India
Ext. W8	29-01-2008	Voucher–United India
Ext. W9	28-01-2009	Voucher–United India
Ext. W10	27-01-2010	Voucher–United India
Ext. W11	27-01-2011	Voucher–United India
Ext. W12	19-07-2006	Letter from CBE : RO : PER : 374 with annexure
Ext. W13	22-12-2005	Notification by Govt. of India, Ministry of Finance Deptt. of Economic Affairs (Ins. Division)
Ext. W14	08-10-2010	Notification by Govt. of India, Ministry of Finance, Deptt. of Economic Affairs (Ins. Division).

On the Management's side

Ex. No.	Date	Description
	N/A	—

नई दिल्ली, 12 दिसम्बर, 2011

का.आ. 81.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय रिजर्व बैंक नोट मुद्रण (प्र) लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलौर के पंचाट (संदर्भ संख्या 56/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-12-2011 प्राप्त हुआ था ।

[फा. सं. एल-12011/33/2002-आई. आर. (बी-I)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 12th December, 2011

S.O. 81.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 56/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the Management of Bharatiya Reserve Bank Note Mudran (P) Ltd. and their workman, which was received by the Central Government on 12-12-2011.

[No. L-12011/33/2002-IR(B-I)]
RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated : 17th November, 2011

PRESENT :

Shri S.N. NAVALGUND Presiding Officer

C.R. No. 56/2002

I Party :	**II Party :**
Shri T. Babu & 14 Others, C/o M. Anitha, Advocate, W/o B.M. Kumar, D/No. 162, Old Police Station Road, Metagalli, Mysore-16	The General Manager, Bharatiya Reserve Bank Note Mudran Limited, (A Unit of the RBI), Metagalli Industrial Area, Mysore-16

AWARD

1. The Central Government by exercises the powers conferred by clause (d) of sub-section (1) and Sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) has referred this dispute vide order No. L-12011/33/2002-IR(B-1) dated 10th October, 2002 for adjudication on the following Schedule :

SCHEDULE

"Whether the 15 disputant workmen (as per the list) are justified in claiming permanent absorption in the services of Bhartiya Reserve Bank Note Mudran (P) Ltd., Mysore? If so, what relief they are entitled and from which date ?"

2. Pursuant to the notices issued by this tribunal after receipt of the reference, 14 disputant workmen viz. S/Shri Shankarachary, D.M. Vijayakumar, Pattan, P.C. Suresh, B.M. Kumar, Basavarajappa, Chandra B. M.,Ponnuswamy, N.M. Mahesh, S. Murali, Krishna B.V., Ramesh, K.S. Vasudevarao and Venkataraman entered their appearance through a common advocate and filed their joint claim statement on 7-6-2005, whereas, the second party also filed counter statement through its Assistant General Manager on 20-12-2005. In the claim statement filed on 7-6-2005 by the 14 persons it is alleged the Reserve Bank of India which started Note Printing Press as its Subsidiary in the name of Bharatiya Reserve Bank Note Mudran Limited (hereinafter referred as BRBNML) at Metagalli Industrial Area, Mysore in the year 1994, after getting the building constructed got the work of installation, operation and maintenance of machinery in Water Treatment Plant done by employing S/Shri T. Babu, Operator, Shankarachary, Operator-cum-Fitter, D.N. Vijayakumar, Electrician and Pattan, Helper from 1995 through Western Indian Industries Limited, Kolkata upto 31-07-1996 and thereafter got done the operation and maintenance work by them and also Shri P.C. Suresh, Electrician, B.M. Kumar, Helper and Basavarajappa Fitter-cum-Operator through M/s. Kumar Engineering Services, Mysore upto 31-10-1997 without any break and subsequently w.e.f. 1-11-1997 the operation and maintenance work of Water Treatment Plant was continued through M/s. Vee Orr Enviro Clean Associates, Davangere by employing seven first party workmen continuously and simultaneously got done the work of installation, operation and maintenance of Sewage Treatment Plant from S/Shri B.N. Chandra, Operator, Ponnyswamy, Operator, N.M. Mahesh, Operator, S. Murali, Electrician, Krishna B.V. , Operator-cum-Helper, Ramesh, Helper, Venkatarama, Operator and K.S. Vasudeva Rao, Operator-cum-Fitter through M/s. Beardsell Satec Limited, Tamil Nadu and from 1-11-1997 their services were continued in the Sewage Treatment Plant through M/s. Vee Orr Enviro Clean Associates, Davangere without any break and that in the month of February 1998 Shri T. Babu and Basavarajappa were prevented from working in the Water Treatment Plant saying that their services were no longer required without giving any notice or compensation with an idea to get rid of the first party workmen batch by batch and get the work done through fresh hands not employing. them continuously for 240 days in a calendar year. It is further asserted the first party workmen with a view to defeat the ill designs of the management and protect their job and service security filed a writ petition in the High Court of Karnataka on 10-3-1998 and obtained an interim order of Stay on 11-03-1998 to the effect that "If the Petitioners are working in the first Respondent Establishment through 5th Respondent as on today, then unitl further orders, work shall be continued to be extracted from the petitioners in the same way as has been done till today." In that writ petition the first Respondent was the second party management and the 5th Respondent was Vee Orr Enviro Clean Associates and subsequently when the second party filed an IA in the Hon'ble High Court of Karnataka for vacating the interim order of stay on 21-07-1998 the Hon'ble High Court of Karnataka passed an order as under :

"I have heard Mr. Kasturi, Learned Counsel for the Respondent/Applicant for vacating the interim order as also Mr. Leelakrishnan, Learned counsel for the petitioner. The interim order only proves that services of the writ petitioners will be continued if they are working through 5th Respondent as on today. In other words, this order will continue as long as the 5th Respondent is employed as a Contractor by the first Respondent and on and after from any date, he ceases to be employed by the first Respondent as contractor then the petitioners cannot claim the status of working through the 5th Respondent under the first Respondent. As such no further modification is called for".

Then the second party taking advantage of the above order discontinued the arrangement of employing the first party workmen through M/s. Vee Orr Enviro Clean Associates w.e.f. 1-08-1998 though originally the said arrangement was for one year from 1-11-1997 and at the midnight of 31-7-1998 out of the first party workmen who were working in the night shift were forced out of the factory through Military Personnel. On 1-8-1998 morning the first party workmen who were supposed to work in the 1st and 2nd shift were not allowed to enter in the factory premises and the first party workmen, Shri Mallesh, S. Purushotam, Harisha, Vasu and Umesha who were also working with them were also removed as such they are on streets. It is further asserted the Hon'ble High Court of Karnataka disposed of the Writ Petition by order dated 3-12-2001 in the following fashion :

"Petitioners are seeking a Writ of Mandamus to Respondents 1 & 2 directing them to absorb and regularize the Petitioners and for grant of all other consequential benefits.

In the counter filed, since the claim of the Petitioner is disputed, it is better to refer these matters for adjudication by a ompetent Labour Court of Industrial Tribunal as the case may be.

The Petitioners are at liberty to submit representations before the concerned Conciliation Officer (Central) in terms of section2(k) read with section12(i) of the Industrial Disputes Act within two months of receipt of such representations. The Conciliation Officer shall submit report to the Labour Department of Union Government. In turn, the Union Government shall exercise power under section 10(i) of the Act and make reference of the dispute for adjudication to the competent Tribunal or Labour Court, within a period of one month from the date of receipt of report.

The Writ Petitions are disposed of with the above observations and directions."

Thereafter, pursuant to the above order the RLC (C) Bangalore summoned the parties and conducted conciliation proceedings and as the management did not agree to absorb the first party workmen on their permanent rolls it resulted in the present reference. With these assertions they have prayed to pass award directing the second party to absorb them as permanent workmen and extend to them all the benefits applicable to the permanent workmen with retrospective effect from the date of their appointment i.e. from 1995 with full back wages and continuity of service.

3. Inter alia in the counter statement it is contended that all the workmen were engaged through agencies for a temporary job of installation of the Plant as such they have no right to get the permanent absorption in their establishment etc.

4. After completion of the pleadings despite affording several opportunities to the first party workmen they did not avail the same. Having regard to the non-availment of the opportunity given to the first party workmen my learned Predecessor on 4-7-2006 taking that they have no evidence to adduce posted the matter for second party's evidence on 2-8-2006 and on that day the learned counsel appearing for the second party filed the affidavit evidence of Shri Seeram Satyanarayana, Assistant General Manager and on the same day the counsel appearing for the first party workmen filed an application (IA.II) for impleading one Shri C.V. Damodharan, Engineering Contractor for second party management and the same was being seriously objected by the counsel for the second party, my learned Predecessor by detailed order dated 20th April, 2007 dismissed the said application and thereafter though my learned Predecessor provided number of opportunities to the first party workmen to lead evidence they did not avail the same and even subsequently there has been no representation for the first party workmen inspite of providing several opportunities. Therefore, ultimately I heard the arguments addressed by the learned advocate appearing for the second party and posted the matter for award.

5. The learned advocate appearing for the second party during the course of arguments vehemently urged that such demand by 14 workers individually without support of any union cannot be treated as an Industrial Dispute and moreover in the very claim statement it is asserted they being appointed by contractors they have no right to claim their absorption in the second party management as such the reference is liable to be rejected.

6. As argued on behalf of the second party according to the allegations in the claim statement itself their services were not directly availed by the second party and they worked through different agencies. Since the absorption or regularization can be done as per relevant rule against the vacancy in the absence of any rule for absorption of such workers who worked through different agencies, I failed to understand on what basis the first party workmen could claim their permanent absorption in the second party management. Moreover there being no discharge/ dismissal/retrenchment or otherwise termination of the services of the first party workmen by the second party these first party workmen cannot individually invoke Second 2A of the Industrial Disputes Act to raise such a dispute without the involvement of any union. Therefore, there is all force in the arguments addressed by the learned advocate appearing for the second party that there exists no industrial dispute. Under the circumstances the reference is liable to be rejected.

7. In the result I pass the following award :

AWARD

The disputant workmen are not justified in claiming permanent absorption in the services of Bhartiya Reserve Bank Note Mudran (P) Ltd., Mysore and that they are not entitled for any relief.

(Dictated to PA, transcribed by her corrected and signed by me on 17-11-2011).

S.N. NAVALGUND, Presiding Officer

नई दिल्ली, 12 दिसम्बर, 2011

का.आ. 82.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स उड़ीसा मिनरल्स डवलपमेन्ट कम्पनी लिमिटेड, उड़ीसा के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 28/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-12-2011 को प्राप्त हुआ था ।

[सं. एल-29011/3/2009-आईआर (एम)]
जोहन तोपनो, अवर सचिव

New Delhi, the 12th December, 2011

S.O. 82.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 28/2009) of the Central Government Industrial Tribunal/Labour, Court, Bhubaneswar now as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s. Orissa Minerals Development Co. Ltd. (Keonjhar) and their workmen, which was received by the Central Government on 12-12-2011.

[No. L-29011/3/2009-IR (M)]
JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

PRESENT :

Shri J. Srivastava, Presiding Officer, C.G.I.T.-cum-Labour Court, Bhubaneswar.

Industrial Dispute Case No. 28/2009

Date of Passing Order—8th November, 2011

BETWEEN

1. The Deputy General Manager,
   Orissa Minerals Development Co. Ltd.,
   At./PO : Thakurani, Via Barbil,
   Distt. Keonjhar-758 035.

2. M/s. Balbil Sharma, Contractor,
   At./PO : Bonaikela, Joda,
   Distt. Keonjhar. ... 1st Party—Managements

AND

Their workmen represented through the President,
Barbil Workers Union,
At./PO Bolani, Keonjhar-758 035
.... 2nd Party—Union

APPEARANCES :

Shri S. Tripathy, Authorized Representative	... For the 1st Party—Management No. 1
None	... For the 1st Party—Management No. 2
None	... For the 2nd Party—Union

ORDER

In an industrial dispute raised by the President of Barbil Workers Union, P.O. Barbil, Distt. Keonjhar a preliminary objection has been taken by the 1st Party—Management No. 1 Orissa Minerals Development Company Limited to the effect that Shri R. M. Latif said to be the President, Barbil Workers Union has no locus standi to file the present case since the registration of the said union has been cancelled by the competent authority and the appeal filed by the said Union before the Registrar Trade Union-cum-Labour Commissioner, Odisha has been dismissed. Therefore, the said Union has lost its legal entity and is not existing since 31-5-2003 when the registration of the Union was cancelled.

2. The 2nd Party—Union despite taking time has not filed any objection against the petition of the 1st Party—Management No. 1 dated 21-9-2010 raising the preliminary objection.

3. Having heard the Management on its petition and on going through the copies of the orders passed regarding cancellation of registration and dismissal of appeal by the Registrar Trade Union-cum-Labour Commissioner, Odisha, I come to the conclusion that the registration of the 2nd Party—Union has been cancelled long ago on 31-5-2003 and the appeal filed by the said Union was also been dismissed on 13-8-2010. Consequently, the Barbil Workers Union has no existence and legally ceased to operate. The cause of the aggrieved workman has been espoused by Shri R. M. Latif, President of the said Union. Since the Union itself has ceased to exist, its President or other office bearer has also ceased to hold any post as office bearer of the said Union and therefore, any office bearer or member of the executive cannot raise any dispute on behalf of the workmen of the Orissa Minerals Development Company Limited or its contractor. In view of the above legal position the President of the said Union has no locus standi to raise the dispute and represent the disputant workmen in a judicial forum.

4. Section 36(1) of the Industrial Disputes Act, 1947 says that a workman who is a party to dispute shall be entitled to be represented in any proceeding under this Act by—

(a) any member of the executive or other office bearer of a registered trade union of which he is a member;

(b) any member of the executive or other office bearer of a federation of trade unions to which the trade union referred to in clause (a) is affiliated;

(c) whether the worker is not a member of any trade union, by (any member of the executive or other office bearer) of any trade union connected with, or by any other workman employed in, the industry in which the worker is employed and authorized in such manner as may be prescribed.

5. In the instant case Shri R. M. Latif, who is said to be the President of the Barbil Workers Union has ceased to be the President of the said Union with the cancellation of the registration of the Union and therefore he cannot represent the disputant workmen in a judicial forum under the aforesaid provisions of law. When the Union has ceased to exist, its office bearers or any member of the executive cannot exercise any rights and duties, which enjoin upon him by being member of the executive or office bearer of the said Union. Hence the statement of claim filed by Shri R. M. Latif, President, Barbil Workers Union on behalf of the disputant workmen has no leg to stand as it has not been filed by a proper and duly authorized person. Therefore the preliminary objection raised by the 1st Party—Management No. 1 is sustained and the reference is liable to be dismissed as being an unauthorized exercise of the President of the un-registered trade union.

6. The reference is accordingly dismissed.

Dictated and Corrected by me.

J. SRIVASTAVA, Presiding Officer

नई दिल्ली, 12 दिसम्बर, 2011

का.आ. 83.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स उड़ीसा मिनरल्स डवलपमेन्ट कम्पनी लिमिटेड, उड़ीसा के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 38/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-12-2011 को प्राप्त हुआ था।

[सं. एल-29011/9/2009-आईआर (एम)]
जोहन तोपनो, अवर सचिव

New Delhi, the 12th December, 2011

S.O. 83.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 38/2009) of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar now as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s. Orissa Minerals Development Co. Ltd. (Keonjhar) and their workmen, which was received by the Central Government on 12-12-2011.

[No. L-29011/9/2009-IR (M)]
JOHAN TOPNO, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

PRESENT :

Shri J. Srivastava, Presiding Officer, C.G.I.T.-cum-Labour Court, Bhubaneswar.

Industrial Dispute Case No. 38/2009

Date of Passing Order—8th November, 2011

BETWEEN

1. The Deputy General Manager,
Orissa Minerals Development Co. Ltd.,
At./PO : Thakurani, Via Barbil,
Distt. Keonjhar-758 035.

2. M/s. Spark India Pvt. Ltd., Contractor,
18, HIG Duplex, Dharmavihar,
Khandagiri, Bhubaneswar (Orissa)-7510 30.

3. The President, Barbil Workers Union,
At./PO : Bolani, Keonjhar.

... 1st Party—Management

AND

Their workmen represented through the President,
Barbil Workers Union,
PO : Bolani, Keonjhar-758 035

.... 2nd Party—Union

APPEARANCES :

Shri S. Tripathy, Authorized Representative	... For the 1st Party—Management No. 1
None	... For the 1st Party—Management No. 2
None	... For the 1st Party—Management No. 3
None	... For the 2nd Party—Union

ORDER

In an industrial dispute raised by the President of Barbil Workers Union, P.O. Barbil, Distt. Keonjhar a preliminary objection has been taken by the 1st Party—Management No. 1 namely Orissa Minerals Development Company Limited and the 1st Party—Management No. 3, M/s. Model Engineering and Store Pvt. Limited to the effect that Shri R. M. Latif said to be the President, Barbil Workers

Union has no locus-standi to file the present case since the registration of the said union has been cancelled by the competent authority and the appeal filed by the said Union before the Registrar Trade Union-cum-Labour Commissioner, Odisha has also been dismissed. Therefore the said Union has lost its legal entity and is not existing since 31-5-2003 when the registration of the Union was cancelled.

2. The 2nd Party—Union despite taking time has not filed any objection against the petition of the 1st Party—Management No. 1 and 3 dated 15-9-2010 raising the preliminary objection.

3. Having heard the 1st Party—Management No. 1 on its petition and on going through the copies of the orders passed regarding cancellation of registration and dismissal of appeal by the Registrar Trade Union-cum-Labour Commissioner, Odisha, I come to the conclusion that the registration of the 2nd Party—Union has been cancelled long ago on 31-5-2003 and the appeal filed by the said Union was also been dismissed on 13-8-2010. Consequently the Barbil Workers Union has no existence and legally ceased to operate. The cause of the aggrieved workmen has been espoused by Shri R. M. Latif, President of the said Union. Since the Union itself has ceased to exist, its President or other office bearer has also ceased to hold any post as office bearer of the said Union and therefore any office bearer or member of the executive cannot raise any dispute on behalf of the workmen of the Orissa Minerals Development Company Limited or its contractor. In view of the above legal position the President of the said Union has no locus-standi to raise the dispute and represent the disputant workmen in a judicial forum.

4. Section 36(1) of the Industrial Disputes Act, 1947 says that a workman who is a party to dispute shall be entitled to be represented in any proceeding under this Act by—

(a) any member of the executive or other office bearer of a registered trade union of which he is a member;

(b) any member of the executive or other office bearer of a federation of trade unions to which the trade union referred to in clause (a) is affiliated;

(c) whether the worker is not a member of any trade union, by (any member of the executive or other office bearer) of any trade union connected with, or by any other workman employed in, the industry in which the worker is employed and authorized in such manner as may be prescribed.

5. In the instant case Shri R. M. Latif, who is said to be the President of the Barbil Workers Union has ceased to be the President of the said Union with the cancellation of the registration of the Union and therefore he cannot represent the disputant workmen in a judicial forum under the aforesaid provisions of law. When the Union has ceased to exist, its office bearers or any member of the executive cannot exercise any rights and duties, which enjoin upon him by being member of the executive or office bearer of the said Union. Hence the statement of claim filed by Shri R. M. Latif, President, Barbil Workers Union on behalf of the disputant workmen has no leg to stand as it has not been filed by a proper and duly authorized person. Therefore the preliminary objection raised by the 1st Party—Management No. 1 is sustained and the reference is liable to be dismissed as being an unauthorized exercise of the President of the un-registered trade union.

6. The reference is accordingly dismissed.

J. SRIVASTAVA, Presiding Officer

नई दिल्ली, 12 दिसम्बर, 2011

का.आ. 84.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स उड़ीसा मिनरल्स डवलपमेन्ट कम्पनी लिमिटेड, उड़ीसा के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 29/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-12-2011 को प्राप्त हुआ था ।

[फा. सं. एल-29011/2/2009-आईआर (एम)]
जोहन तोपनो, अवर सचिव

New Delhi, the 12th December, 2011

S.O. 84.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 29/2009) of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar now as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s. Orissa Minerals Development Co. Ltd. (Keonjhar) and their workman, which was received by the Central Government on 12-12-2011.

[F. No. L-29011/2/2009-IR (M)]
JOHAN TOPNO, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

PRESENT :

Shri J. Srivastava, Presiding Officer, C.G.I.T.-cum-Labour Court, Bhubaneswar.

Industrial Dispute Case No. 29/2009

Date of Passing Order—8th November, 2011

BETWEEN

1. The Deputy General Manager,
Orissa Minerals Development Co. Ltd.,
At./PO: Thakurani, Via Barbil,
Distt. Keonjhar-758 035

2. M/s. Orissa Stevedors,
OSL Towers, Link Road, Cuttack-753 012.
... 1st Party—Managements

AND

Their workmen represented through the President,
Barbil Workers Union,
P.O. Bolani, Keonjhar-758 035
.... 2nd Party—Union

APPEARANCES:

Shri S. Tripathy, Authorized Representative	... For the 1st Party—Management No. 1
None	... For the 1st Party—Management No. 2
None	... For the 2nd Party—Union

ORDER

In an industrial dispute raised by the President of Barbil Workers Union, P.O. Barbil, Distt. Keonjhar a preliminary objection has been taken by the 1st Party—Management No. 1 Orissa Minerals Development Company Limited to the effect that Shri R. M. Latif said to be the President, Barbil Workers Union has no locus-standi to file the present case since the registration of the said union has been cancelled by the competent authority and the appeal filed by the said Union before the Registrar Trade Union-cum-Labour Commissioner, Odisha has been dismissed. Therefore the said Union has lost its legal entity and is not existing since 31-5-2003 when the registration of the Union was cancelled.

2. The 2nd Party—Union despite taking time has not filed any objection against the petition of the 1st Party—Management No. 1 dated 30-11-2010 raising the preliminary objection.

3. Having heard the Management on its petition and on going through the copies of the orders passed regarding cancellation of registration and dismissal of appeal by the Registrar Trade Union-cum-Labour Commissioner, Odisha, I come to the conclusion that the registration of the 2nd Party—Union has been cancelled long ago on 31-5-2003 and the appeal filed by the said Union was also been dismissed on 13-8-2010. Consequently the Barbil Workers Union has no existence and legally ceased to operate. The cause of the aggrieved workman has been espoused by Shri R. M. Latif, President of the said Union. Since the Union itself has ceased to exist, its President or other office bearer has also ceased to hold any post as office bearer of the said Union and therefore any office bearer or member of the executive cannot raise any dispute on behalf of the workmen of the Orissa Minerals Development Company Limited or its contractor. In view of the above legal position the President of the said Union has no locus-standi to raise the dispute and represent the disputant workmen in a judicial forum.

4. Section 36(1) of the Industrial Disputes Act, 1947 says that a workman who is a party to dispute shall be entitled to be represented in any proceeding under this Act by—

(a) any member of the executive or other office bearer of a registered trade union of which he is a member;

(b) any member of the executive or other office bearer of a federation of trade unions to which the trade union referred to in clause (a) is affiliated;

(c) whether the worker is not a member of any trade union, by (any member of the executive or other office bearer) of any trade union connected with, or by any other workman employed in, the industry in which the worker is employed and authorized in such manner as may be prescribed.

5. In the instant case Shri R. M. Latif, who is said to be the President of the Barbil Workers Union has ceased to be the President of the said Union with the cancellation of the registration of the Union and therefore he cannot represent the disputant workmen in a judicial forum under the aforesaid provisions of law. When the Union has ceased to exist, its office bearers or any member of the executive cannot exercise any rights and duties, which enjoin upon him by being member of the executive or office bearer of the said Union. Hence the statement of claim filed by Shri R. M. Latif, President, Barbil Workers Union on behalf of the disputant workmen has no leg to stand as it has not been filed by a proper and duly authorized person. Therefore the preliminary objection raised by the 1st Party—Management No. 1 is sustained and the reference is liable to be dismissed as being an unauthorized exercise of the President of the un-registered trade union.

6. The reference is accordingly dismissed.

Dictated and Corrected by me.

J. SRIVASTAVA, Presiding Officer

नई दिल्ली, 12 दिसम्बर, 2011

का.आ. 85.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स उड़ीसा माईनिंग कारपोरेशन लिमिटेड, उड़ीसा के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 4/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-12-2011 को प्राप्त हुआ था ।

[फा. सं. एल-29011/54/2005-आईआर (एम)]
जोहन तोपनो, अवर सचिव

New Delhi, the 12th December, 2011

S.O. 85.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 4/2006) of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Orissa Mining Corporation Ltd. (Odisha) and their workmen, which was received by the Central Government on 12-12-2011.

[F. No. L-29011/54/2005-IR (M)]
JOHAN TOPNO, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

PRESENT :

Shri J. Srivastava, Presiding Officer, C.G.I.T.-cum-Labour Court, Bhubaneswar.

Industrial Dispute Case No. 4/2006

Date of Passing Award—24th October, 2011

BETWEEN

The Managing Director,
Orissa Mining Corporation Limited,
OMC House, Bhubaneswar,
Odisha-751 001 ... 1st Party—Management

AND

Their workmen represented through the General Secretary, OMC Staff Association, OMC House, Bhubaneswar, Odisha-751 001

.... 2nd Party—Union

APPEARANCES :

Shri S. R. Pattnaik, Manager (Legal) ... For the 1st Party—Management

None ... For the 2nd Party—Union

AWARD

The Government of India in the Ministry of Labour has referred an industrial dispute existing between the employers in relation to the Management of Orissa Mining Corporation Limited, OMC House and their workmen in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 vide its letter No. L-29011/54/2005-IR (M) dated 16-2-2006 to this Tribunal for adjudication to the following effect.

> "Whether the action of the Management of M/s. Orissa Mining Corporation Ltd., In changing the service conditions of employees by way of imposing ceiling on medical reimbursement of the employees which they had been enjoying since 1956 without taking into consideration the seriousness of the diseases and actual expenses incurred due to medical treatment of such severe diseases and without following the provisions of Section 9(A) of the Industrial Disputes Act, 1947 is legal and justified ? If not, what relief the workmen are entitled to ?

2. The 2nd Party—Union filed its statement of claim and stated that since 1956 Orissa Mining Corporation Limited has borne the total expenditure and full reimbursement of medical expenses incurred by the employees. In the year 1976 Orissa Mining Corporation implemented its own Medical Attendance Rule and from time to time modifications were made to facilitate more humanitarian benefits to the employees. Vide 172nd Board Meeting of the Board of Directors it was decided that where anything which has not been covered under the aforesaid rule, the Medical Rule will be followed mutates-mutandis. This undue ceiling imposed on medical treatment is a clear case of in humanitarian attitude of the Management. Orissa Mining Corporation is a premier profit fetching Public Sector Undertaking at International level, but it is unfortunate that 90% of its employees and the labourers have to work in the most unhealthy and hazardous condition in remote mining areas for which a substantial number of employees at their field of duty are being affected with various severe as well as uncurable and expensive diseases while discharging their duties. Hence it is the moral responsibility of the Management to extend proper treatment and reimbursement of medical bills. The ceiling imposed on their medical treatment has resulted in death of employees and labourers for discontinuance of treatment because of which they are losing their moral zeal to work for the acceleration of profitability of the Corporation. The management has illegally discontinued the said benefit to its workmen without prior notice. Hence the ceiling imposed on medical expenses of the employees is to be reviewed and the erstwhile benefits are to be restored.

3. The 1st Party—Management has stated in its written statement that this Tribunal is not entitled to pass

any award on humanitarian ground without establishing a clear and definite case for award. The pleadings of the 2nd Party—Union do not indicate what medical privileges or facilities were granted by the 1st Party—Management to its workmen earlier and how, when and in what manner the said benefits were reduced or curtailed. The 2nd Party—Union has miserably failed to bring out and establish its cause of action by way of specific and definite pleadings. The grant of medical allowance or facilities is not a condition of service like payment of house rent allowance to the employees. Therefore squeezing, reducing or curtailing any such benefit or facility will not tantamount to a change in the service condition attracting compliance of the provisions of Industrial Disputes Act. The reference accordingly be disallowed rejecting the prayer sought in the pleadings.

4. Following issues were framed on the pleadings of the parties :

ISSUES

1. Whether the action of the management of M/s. Orissa Mining Corporation Ltd. in changing the service conditions of employees by way of imposing ceiling on medical reimbursement of the employees which they had been enjoying since 1956 without taking into consideration the seriousness of the diseases and actual expenses incurred due to medical treatment of such severe diseases and without following the provisions of Section 9(A) of the I.D. Act, 1947 is justified ?
2. If not, what relief the workmen are entitled to ?

5. The 2nd Party—Union after filing statement of claim appeared in the court only on few dates and disappeared since 12-5-2009 though notices were sent to it through ordinary as well registered posts. After settlement of issues the case was fixed for evidence of the 2nd Party—Union. But no evidence was led by it, nor anybody appeared on its behalf. Hence the evidence of the 2nd Party—Union was closed and the 1st Party—Management was directed to adduce its evidence.

6. The 1st Party—Management has filed affidavit of one Shri Saroj Ranjan Pattnaik, Manager (Legal) in evidence and tried to prove its case as enunciated in the written statement. No documentary evidence was given.

FINDINGS

Issue No. 1 :

7. The 2nd Party—Union has stated in its statement of claim that the 1st Party—Management has been making total and full reimbursement of medical expenses incurred by the employees since 1956 but in the 172nd Board Meeting it was decided that where anything which has not been covered under the Medical Attendance Rules, 1976, the Medical Rule will be followed mutates-mutandis, which has resulted in squeezing, curtailing and limiting reimbursement of medical bills, showing in humanitarian attitude of the 1st Party—Management. But the 2nd Party—Union has not elaborated how far the reimbursement of medical bills has been squeezed or limited and on what conditions. It has also not been descriptively shown as to what were the earlier rules for reimbursement of medical claims ? Therefore the contention of the 1st party—Management that the 2nd Party—Union has failed to bring out what medical privileges or facilities were earlier accorded by the 1st Party—Management to its workmen and how far and in what manner the said benefits have now been reduced or curtailed holds good. The 2nd Party—Union has neither filed the Medical Attendance Rules, 1976 of the Orissa Mining Corporation nor the minutes of the 172nd Board Meeting of the Board of the Directors.

8. The Management witness Shri Saroj Ranjan Pattnaik has stated in his affidavit evidence that Orissa Mining Corporation vide its office order No. 11431, dated 1-7-2004 has laid down the scale and limitation pertaining to treatment of its employees outside the State at all approved private referral hospitals within the State and in line with Resolution No. 17961, dated 17-5-2002 of the Health and Family Welfare Department of the State Government but the same was kept in abeyance vide OMC Order No. 17445, dated 1-9-2004. The OMC—Management thereafter issued notice under Section 9(A) of the Industrial Disputes Act, 1947 indicating its intention to effect the change of service conditions from 24-9-2004 endorsing copies thereof to all unions existing in Orissa Mining Corporation. Since some of the unions have objected to the proposed change, the management has not yet effected the change and the order of abeyance is still in force. The Orissa Mining Corporation is extending unlimited expenditure in the cases of treatment of its employees and wholly dependant family members in the State and Central Government Medical Colleges and hospitals inside or outside the State. The proposed provisions relate to restrictions for treatment charges in referral private hospitals.

9. In view of the aforesaid averments made on behalf of the 1st Party—Management and in absence of any evidence in support of the claim of the workmen made by the 2nd Party—Union it is proved that the proposed provisions to be incorporated in OMC Medical Attendance Rules, 1976 are yet to take effect and presently kept in abeyance and the proposed provisions only relate to treatment in referral private hospital. Hence the claim of the 2nd Party—Union is premature and do not presently impose any ceiling on medical reimbursement of the employees seeking treatment in the Government hospitals or Medical Colleges. Accordingly it cannot be said that the action of the Management in changing the service condition of the employees by way of imposing ceiling on

medical reimbursement is illegal and unjustified. It has also been contended in the affidavit of the management witness Shri Saroj Ranjan Pattnaik that Orissa Mining Corporation Management has issued notice under Section 9(A) of the Industrial Disputes Act indicating its intention to change the service conditions from 24-9-2004 and in view of the objections raised by some union the proposed changes have been kept in abeyance. Therefore it cannot be even said that the provisions of Section 9(A) of the Industrial Disputes Act have been flouted. Consequently I am of the view that the action of the 1st Party—Management in this regard is not illegal and unjustified. Issue No. 1 is accordingly decided against the 2nd Party—Union.

Issue No. II :

10. In view of the findings recorded in Issue No. 1 the workmen are not entitled to any relief.

11. The reference is answered accordingly.

Dictated and Corrected by me.

J. SRIVASTAVA, Presiding Officer

नई दिल्ली, 12 दिसम्बर, 2011

का.आ. 86.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेहरू युवा केन्द्रीय संगठन के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्दीय सरकार औद्योगिक अधिकरण संख्या 2, चण्डीगढ़ के पंचाट (संदर्भ संख्या 1266/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-12-2011 को प्राप्त हुआ था ।

[सं. एल-42012/80/2005-आई आर (सी एम-II)]
डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 12th December, 2011

S.O. 86.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award Ref. 1266/2006 of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Chandigarh as shown in the Annexure, in the industrial dispute between the management of Nehru Yuva Kendra Sangathan, and their workman, which was received by the Central Government on 12-12-2011.

[No. L-42012/80/2005-IR(CM-II)]
D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

PRESENT :

Sri A. K. Rastogi, Presiding Officer

Case No. I.D. 1266/2006

Registered on 5-6-2006

Shri Raju Chand,
S/o Sh. Neem Bahadur Chand,
R/o H. No. 1567,
Sector 35-D,
Chandigarh ... Petitioner

Versus

The Zonal Director,
Nehru Yuva Kendra Sangathan,
Govt. Primary School Building,
IInd Floor, Sector 23-D,
Chandigarh ... Respondent

APPEARANCES :

For the Workman : Sh. Ajay Kumar Sapenia

For the Management : Sh. Vikas Sagar

AWARD

Passed on Oct. 19, 2011

Central Government vide Notification No. L-42012/80/2005-IR(CM-II) dated 16-5-2006, by exercising its powers under Section 10 Sub-section (1) Clause (d) and Sub-section (2-A) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'Act') has referred the following industrial dispute for adjudication to this Tribunal :

> "Whether the action of the management of Nehru Yuva Kendra Sangathan, Chandigarh in terminating the services of Sh. Raju Chand w.e.f. 1-7-2003 is legal and justified ? If not, to what relief the concerned workman is entitled to and from which date ?"

The case of the workman is that he had been duly selected and appointed by the management in September 1999. He was granted subsequently temporary status also. He performed his duties regularly and continuously till his illegal termination on 1-7-2003. His services were terminated on alleged misconduct without any inquiry and without giving any opportunity of hearing. He served the department continuously for more than four years and has completed 240 days of service in each calendar year; still his services were terminated without complying the provisions of Section 25F of the Act. The workman has alleged the violation of Section 25G of the Act also as management has retained in services one Harnek Singh. It has been alleged that the services of the workman were terminated to accommodate the said Harnek Singh and grounds of termination were cooked up by the Zonal Director. The workman has asked for his reinstatement with full back wages and consequential benefits.

The claim was contested by the management. It has been contended that the workman was appointed by the then Zonal Director on mere an application of the workman on daily wage basis without following the procedure of appointment. The workman failed the maintain the car in

question and due to his gross negligence the management had to incur lot of expenses. Since the performance of the workman was not satisfactory, hence, the competent authority terminated his services by giving one month's notice and the salary of the month was paid to him. Section 25F of the Act is not applicable yet it has been followed. It has been admitted that the status of the workman was temporary but it has been alleged that a temporary workman has no right of departmental inquiry. Benefit of Section 25G has been denied to the workman on the ground that he is not a citizen of India. He is a citizen of Nepal. According to the management the workman is not entitled to any relief.

In support of his case the workman filed his affidavit and on behalf of management the affidavit of Sh. Jaswinder Singh Kooner, Zonal Manager was filed. Certain papers were also filed by the parties and the management filed certain papers at the instance of workman.

I have heard the learned counsel for the parties and carefully perused the evidence.

It is not disputed that the workman was in the employment of the management and he had been conferred temporary status. His services were terminated w.e.f. 1-7-2003 by the Zonal Director. As it has been stated in Para 1 of 'para wise reply on merits' in the written statement of the management, the services of workman were terminated as he failed to maintain the car in question and due to his 'gross negligence' the management had to incur lot of expenses. Admittedly no charge sheet was served and no inquiry was held before terminating the services of the workman. The argument of the management is that a temporary workman has no right of departmental inquiry. In this regard the learned counsel for the workman has cited the law laid down by the Apex Court in Nar Singh Pal Vs. Union of India 2000 (2) SCT 523 in which it was held that on attaining "temporary status" an employee becomes entitled to certain benefits like constitutional protection under Articles 311 and 16. Services of such an employee cannot be terminated without holding regular inquiry into the allegation of misconduct levelled against him.

Needless to say that the termination order in the case is punitive in nature and if there was an allegation of misconduct against the workman, a proper enquiry must have been held and he must have been given an opportunity to explain his position. Without conducting any enquiry, his termination is illegal.

It has not been denied that the workman has completed 240 days in each calendar year before his termination and it has not been alleged by the management that the workman did not complete 240 days service in 12 calendar months preceding the date of his termination. The management in the first place has denied the necessity of complying the provisions of Section 25F of the Act. Secondly it has been alleged that the provisions of Section 25F of the Act has been complied as the workman has been given one month's notice and paid one month's pay. But Section 25F does not provide for one month's notice only it also provides the payment of retrenchment compensation. For want of payment of retrenchment compensation the retrenchment is bad. In the present case workman was entitled to the protection of Section 25F of the Act and due to non-compliance of Section 25F of the Act also his termination is bad.

Management has alleged that the workman is a citizen of Nepal and hence is not entitled to any relief. The condition of being an Indian citizen is applicable in case of applicability of the provisions of Section 25G but not for the provisions of Section 25F of the Act. On the ground of nationality the necessity of holding a proper enquiry before terminating the services of the workman cannot be waived.

From the above going discussion it is thus clear that from any angle the termination of the services of the workman cannot be held legal and justified. If the termination of the service of workman was for a reason otherwise than as a punishment inflicted by way of disciplinary action, it is illegal for want of compliance of Section 25F of the Act, and if it was by way of punishment, it is illegal for want of a proper departmental enquiry. It is therefore held that action of the management in terminating the services of the workman w.e.f. 1-7-2003 is illegal and unjustified.

Workman has not claimed regularization of his service. He has claimed only reinstatement with back wages and continuity of service. I find him entitled to the relief claimed. Management is directed to reinstate the workman within one month from receiving the copy of Award. He will be paid back wages and will also be entitled to continuity of service.

Let two copies of the Award be sent to Central Government for further necessary action.

ASHOK KUMAR RASTOGI, Presiding Officer

नई दिल्ली, 13 दिसम्बर, 2011

का.आ. 87.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्दीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं. 2, धनबाद के पंचाट (संदर्भ संख्या 16/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-12-2011 को प्राप्त हुआ था ।

[फा. सं. एल-12012/148/2002-आई आर (बी-I)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 13th December, 2011

S.O. 87.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government

hereby publishes the Award Ref. No. 16/2003 of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the management of State Bank of India, and their workman, received by the Central Government on 13-12-2011.

[F. No. L-12012/148/2002-IR(B-I)]
RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2), DHANBAD

PRESENT :

Shri Kishori Ram, Presiding Officer

In the matter of an industrial dispute under Section 10 (1) (d) of the I.D. Act.

Reference No. 16 of 2003

PARTIES :

Employer in relation to the management of State Bank of India, Local Head Office, Patna and their workman.

APPEARANCES :

On behalf of the Workman : None

On behalf of the Employer : Mr. R. N. Ganguly, Ld. Advocate

State : Jharkhand Industry : Banking

Dhanbad, the 29th November, 2011

ORDER

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-12012/148/02-IR (B-I) dated 13-1-2003.

SCHEDULE

"Whether the action of the Management of State Bank of India, Patna in transferring from Local Head Office, Patna to Frazer Road, Patna to Shri Purnanand Jha, Secretary of the Union (Assistant at the bank), in compliance of the Banks Circular No. 72 of 1984 and as given in paragraph 535 of Shastry Award is justified ? If not, what relief the workman is entitled to ?"

2. None represented the Union/Workman Shri Purnanand Jha nor Mr. R. N. Ganguly, the Ld. Advocate for the Management appeared.

Perused the case record. I find the present Reference as schedule relates to the issue about the action of the Management of State Bank of India, Patna in transferring from Local Head Office, Patna to Frazer Road, Patna to Shri Purnanand Jha, Secretary of the Union (Asstt. at the Bank) in compliance with Bank Circular No. 72 of 1984 and as given in Paragraph 535 of Shastry Award, but Shri G. K. Verma, Gen. Secretary, the State Bank of India Employees' Union, Bihar State as per his filed petition dated 11-11-2011 under his signature has already submitted for the closure of the case on the ground that the Management has now retransferred the workman concerned back to its Patna Local Head Office as per the compromise held between the both the parties (Annexure-II attached with the aforesaid petition).

3. Under the circumstances I hold that the issue, for which the industrial dispute was referred, has been solved by the retransfer of the workman to the Local Office of the Management by way of compromise under the signature of Sri Kant, Asstt. Gen. Manager, SBI and aforesaid Shri G. K. Verma, Gen. Secretary of the concerned union. Hence, the case is closed and accordingly no dispute award is passed.

KISHORI RAM, Presiding Officer

नई दिल्ली, 13 दिसम्बर, 2011

का.आ. 88.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मध्य रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्दीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 44/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-12-2011 को प्राप्त हुआ था।

[फा. सं. एल-41012/103/1996-आई आर (बी-I)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 13th December, 2011

S.O. 88.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 44/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur , as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Railway and their workman, which was received by the Central Government on 13-12-2011.

[F. No. L-41012/103/1996-IR(B-I)]
RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE SHRI J. P. CHAND, PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/44/2002

Date : 29-11-2011

PARTY NO. 1 :

The Divisional Railways Manager,
Central Railways,
Nagpur

V/s

PARTY NO. 2 :

Shri Denis Samuel Cruz and 5 others
R/o Dalaji Nagar, Bhagwan Nagar,
Nagpur.

AWARD

(Dated : 29th November, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Central Railways, Nagpur and Shri Denis Samuel Cruz and 5 others, to CGIT-cum-Labour Court Jabalpur for adjudication, as per letter No. L-41012/103/96-IR (B-I) dated 13-10-1997, with the following schedule :

"Whether the action of the Management of Divisional Railways Manager, Central Railways, Nagpur and its officers in terminating the services of 6 workmen namely (1) Denis Samual Cruz, (2) Shri Vinod Balwant Bhushan, (3) Nathu Ramkrishna Kaole, (4) Sk. Farukh Sk. Chand, (5) Shri Jagdish Prabhudayal and (6) Shri Kailash Maroti (casual labourers in Electrical Department) w.e.f. 30-6-92 is legal and justified under the provision of Sections 25-F, 25-G, 25-FF and 25-FFF of I.D. Act, 1947 ? If not, to what relief these 6 workmen are entitled to and from which date ?"

Subsequently the case was transferred to this Tribunal for disposal in accordance with law.

2. At the outset, it is necessary to mention here that, the reference had been made by the Central Government in respect of six workmen. However, out of them, workmen, Nathu Ramkrishna Kaole, Sk. Farukh Sk. Chand and Jagdish Prabhudayal did not file any statement of claim. In the statement of claim and written statement, the parties have admitted that the above named three workmen were regularized in the year 2003. It is also necessary to mention here that workman Kailash Maroti though had filed the statement of claim along with workmen, Denis Samuel Cruz and Vinod Balwant Bhushan on 17-8-2007, he filed an application for withdrawal of the proceeding in respect of himself on the ground of regularization of his service on 4-4-2007. So, in respect of the workman, Nathu Ramkrishna Kaole, Sk. Farukh Sk. Chand, Jagdish Prabhudayal and Kailash Maroti, "no dispute award" is required to be passed.

3. The case of the workman, Denis Samuels Cruz and Vinod Balwant Bhushan as projected by them in the statement of claim is that workman, Denis Samuels Cruz was recruited by the party no. 1 as a Khalasi on 20-3-1982 and he worked upto 15-6-82 and he was again recruited on 3-5-83 and worked for 237 days upto 31-12-83 and in the year 1984, he worked for 336 days and he also worked from 3-1-85 to 30-6-85 and in 1984, he was sent for medical examination and on 11-10-84, medical fitness certificate was issued certifying him to be Physically fit, from which, it was clear that he was treated as a regular employee by party no. 1 and he worked with party no. 1 for the period from 1986 to 1992 and his service card from 1988 onwards is in possession of party no. 1 and from the service card, it can be seen that from 1986, he was treated as monthly rated casual labour and he was rewarded for his efficient service in 1987. It is further pleaded that workman Vinod Balwant Bhushan was recruited as a Khalasi in 1983 and worked as such from 19-1-1983 to 31-12-1983, with interrupted gaps, for 233 days and in 1984, he worked for 315 days and in 1988, he worked from 2-3-1988 to 30-6-1988 for 121 days and 1989 he worked for 120 days which can be found from his service card and in 1985, he was sent for medical examination and after examination, he was found fit and he was also treated as monthly rated casual labour and received the facilities of a permanent employee. It is also pleaded by the two workmen that on the date of filing of the application, they were in service of party no. 1 and they had put more than 120 days of service and party no. 1 had adopted a practice of discontinuing their services every year on 30th June, without giving any notice and without following the procedure of law and during the year 1992, they became entitled to be treated as temporary employees and consequently were entitled to be regularized in service, but party no. 1 did not do so and therefore, they were constrained to file O.A. 817/92 before the CAT and the said O.A. was disposed of with a directions to approach the Labour Commissioner for redressal, so they approached the Assistant Labour Commissioner, Nagpur vide application dated 20-2-1996 and as the ALC referred the matter to the Central Government, the reference has been made by the Government.

It is further pleaded by the two workmen that they worked for more than 120 days during the period from 1983 to 1992, for more than 10 years, but subsequently they were not continued and having served for so many years of service, they were entitled to one month's notice before their discharge, but surprisingly, such notice was not served and as such, their discharge from services is illegal and arbitrary and is liable to be quashed and there are vacancies of the posts of Khalasi with party no. 1 and they can be absorbed in the said posts and their services can be regularized and made permanent and some of their colleagues were regularized in the year 2003 and before their regularization, the Railways Authorities had issued a letter dated 9-6-2003 to all casual labours, for their recruitment in the post of Khalasi on permanent basis, but

they were not informed about the further development in the matter, though other persons like them were called for interviews and their medical examination was done and they were regularized and persons juniors to them were regularized in service in violation of the provision of Section 25-G of the Act and before their retrenchment, neither one month's notice nor one month's pay in lieu of notice nor retrenchment compensation was paid to them. The workmen have prayed to regularize their services on permanent basis, after their reinstatement in service, with continuity.

4. The party no. 1 in the written statement has pleaded inter-alia that it has regularized the services of some of the "Hot season watermen" and its casual labours in 2003, as per Railway Board's letter dated 4-1-1998 and it also considered the applications of the two workmen, Denis Samuel Cruz and Vinod Balwant Bhushan and according to the letter dated 20-9-2001 of the Railway Board, the age limit prescribed for regularization of the casual labourers and Hot season workmen was 40 years and as Denis Samuel Cruz and Vinod Balwant Bhushan were found to be overage, they were not regularized and workman, Kailash Maroti was found suitable and posted at Solapur vide office letter dated 14-7-2003, but he requested for posting him at Nagpur and as there was no vacancy at Nagpur, vide letter dated 11-8-2003, he was asked to join at Solapur and as such, the claim of the workmen has become infructuous. It is further pleaded by the party no. 1 that the workman, Denis Samuel did not work continuously from 1986 to 1992 and he worked for 87 days, 83 days, 94 days, 70 days, 76 days and 64 days from 18-3-1986 to 13-6-1986, 3-3-1987 to 30-6-1987, 3-3-1989 to 30-6-1989, 20-3-1990 to 16-6-1990, 9-3-1991 to 13-6-1991 and 7-4-1992 to 26-6-1992 respectively and he was engaged as seasonal casual labour in summer for operation of water coolers on station platform and to supply cold drinking water to the passengers and workman, Vinod also did not work continuously and he was engaged during summer season from March to June, for supply of drinking water to passengers from 1982 to 1988 and in 1984, he was directed to undergo medical examination, but he absconded from the hospital without information and subsequently in 1985, he was medically examined and declared fit and granted MRC status in 1991 and he was treated as fresh entrant, since he absconded from Railway hospital for about six months and the workmen were discontinued every year in the month of June, as they were seasonal labour engaged to supply cold drinking water to passengers during summer and they were fully aware that their engagement was seasonal and only for four months and there was no need for service of one month's notice and termination of their services does not amount to retrenchment and for that the workman are not entitled for any relief.

5. It is necessary to mention here that since 14-12-2010 both the parties remained absent. Inspite of giving of sufficient opportunity, parties did not take part in the reference, so the reference was posted for award.

6. It is well settled that if a party challenges the legality of an order, the burden lies upon him to prove illegality of the order and if no evidence is produced, the party invoking the jurisdiction of the court must fail. Whenever a workman raises a dispute challenging the validity of the termination of service, it is imperative for him to file the statement of claim before the Industrial Court, setting out the grounds on which the order is challenged and he must also produce evidence to prove his case and if the workman fails to appear or file written statement or produce evidence, the dispute referred by the Government cannot be answered in favour of the workman and he would not be entitled to any relief.

In this case as the workmen have challenged the order of termination of their services and they have not adduced any evidence to prove as to how the order of termination of services is illegal, they are not entitled to any relief. Hence, it is ordered :

ORDER

The reference so far the workmen, Nathu Ramkrishna Kaole, Sk. Farukh Sk. Chand, Jagdish Prabhudayal and Kailash Maroti be treated as "no dispute award".

The action of the management of Divisional Railway Manager, Central Railways, Nagpur in terminating the services of workmen, Denis Samuel Cruz and Vinod Balwant Bhushan, casual labourers in Electrical Department w.e.f. 30-6-92 is legal and justified. The said two workmen are not entitled for any relief.

J. P. CHAND, Presiding Officer

नई दिल्ली, 13 दिसम्बर, 2011

का.आ. 89.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स नेशनल इन्श्योरेन्स कम्पनी लिमिटेड, बैंगलौर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्दीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बैंगलौर के पंचाट (संदर्भ संख्या 29/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-12-2011 को प्राप्त हुआ था ।

[फा. सं. एल-17012/2/2006-आई आर (एम)]
जोहन तोपनो, अवर सचिव

New Delhi, the 13th December, 2011

S.O. 89.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 29/2006) of the Central Government Industrial Tribunal/Labour Court, Bangalore now as shown in the Annexure, in the Industrial

Dispute between the employers in relation to the management of M/s National Insurance Company Ltd. (Bangalore) and their workman, which was received by the Central Government on 13-12-2011.

[F. No. L-17012/2/2006-IR(M)]
JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated : 17th November, 2011

PRESENT:

Shri S.N. NAVALGUND, Presiding Officer

C.R. No. 29/2006

I PARTY	II PARTY
Shri T Narayana, No. 251, 2nd Cross, 14th Main Nagendra Block, Banashankari 3rd Stage, Bangalore.	The Regional Manager, National Insurance Company Limited, No. 144, Subharam Complex, 2nd Floor, M. G Road, Bangalore-560001.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of Sub-section (1) and Sub section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) has referred this dispute vide order No. L-17012/2/2006-IR(M) dated 14-7-2006 for adjudication on the following Schedule :

SCHEDULE

"Whether the action of the management of National Insurance Company Ltd. in imposing the punishment of removal from services on the workman Shri T. Narayana Assistant (T), Director Agent Branch-3, St. Marks Road, National Insurance Company Ltd, Bangalore w.e.f. 20-5-2004 is legal and justified ? if not, to what relief he is entitled and from which date ?"

2. After receipt of the reference on causing notices to both the sides, they appeared through their respective advocates and filed the claim statement and counter statement respectively. In the claim statement since it was asserted the DE was not fair and proper and the finding of the enquiry officer is perverse and the same was denied in the Counter Statement filed for the Second Party by framing an issue touching the fairness or otherwise of Domestic Enquiry, after receiving the evidence produced by the management through the enquiry officer examined as MW1 and marking documents as Exts. M1 to M5, after affording several opportunities to the first party to lead evidence since same was not availed taking that he has no evidence, after hearing the learned advocate appearing for the second party, the preliminary issue was answered in favour of the second party holding that the Domestic Enquiry conducted against the first party was being fair and proper by detailed order dated 13-10-2010. In view of the order of preliminary issue holding the DE as fair and proper the matter was posted for arguments on merits and inspite of affording several opportunities to the first party to address the arguments demonstrating the enquiry finding as perverse, same was not availed and on one occasion i.e. on 13-12-2010 Junior of Shri V. S. Naik, learned advocate appearing for the first party had made a submission that inspite of writing to the first party he is not coming as such it may be posted for award. When the learned advocate appearing for the first party did not address arguments, the learned advocate appearing for the second party submitted that he too has no arguments and it may be posted for award.

3. When the Domestic Enquiry is found fair and proper, it was for the first party to demonstrate the enquiry finding holding him guilty of the charges is perverse or the punishment imposed for the same is disproportionate. But as already adverted to by me above, no pains were taken by the first party to demonstrate the enquiry finding being perverse or not based on the evidence placed before him or the punishment imposed is disproportionate to the charges proved. The enquiry officer considering the evidence placed before him for the management having submitted his detailed finding holding the charges being proved and even in the proceedings held by the Disciplinary Authority for imposing punishment after giving an opportunity of hearing a detailed order being passed accepting the enquiry findings punishment has been imposed and the same has been approved by the Appellate Authority, after giving opportunity of hearing to the first party, as such, absolutely I have no reason to say the enquiry finding being perverse or the punishment imposed for such a grave offence is disproportionate. Under the circumstances I arrived at the conclusion of rejecting the reference and pass the following award :

AWARD

The reference is rejected holding that the action of the management of National Insurance Company Limited in imposing the punishment of removal from services of the workman Shri T. Narayana, Assistant (T), Director Agent Branch-3, St. Marks Road, National Insurance Company Ltd., Bangalore w.e.f. 20-5-2004 is legal and justified.

(Dictated to PA, transcribed by her corrected and signed by me on 17-11-2011).

S. N. NAVALGUND, Presiding Officer

नई दिल्ली, 13 दिसम्बर, 2011

का.आ. 90.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स एल्फा टेक निरमान प्रा. लिमिटेड, बैंगलौर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बैंगलौर के पंचाट (संदर्भ संख्या 38/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-12-2011 को प्राप्त हुआ था ।

[फा. सं. एल.-26011/4/2003-आई आर (एम)]
जोहन तोपनो, अवर सचिव

New Delhi, the 13th December, 2011

S.O. 90.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 38/2003) of the Central Government Industrial Tribunal/Labour Court, Bangalore now as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s. Alpha Tech Nirman Pvt. Ltd., Bangalore and their workman, which was received by the Central Government on 13-12-2011.

[No. L-26011/4/2003-IR (M)]
JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated : 16th November, 2011

Present : Shri S.N. NAVALGUND, Presiding Officer

C.R. No. 38/2003

I Party	II Party
The General Secretary, Karnataka Coffee Curing & General Workers Union, AITUC Tamil Colony, Chickmagalur, (Karnataka State)	The Managing Director M/s. Alpha Tech Nirman Pvt. Ltd., F 2nd Floor, Karlo Chambers, 45th, 8th Main, 15th Cross, Malleswaram, Bangalore

AWARD

1. On failure of the dispute raised by the General Secretary of Karnataka Coffee Curing and General Workers Union (R) (hereinafter referred as first party) relating to denial of Bonus to their workers by M/s. Alpha Tech Nirman Pvt. Limited, Bangalore (hereinafter referred as Second Party) for the year 2000-01, the Central Government made this reference vide order No. L-26011/4/2003-IR (M) dated 17-6-2003 on the following Schedule :

SCHEDULE

"Whether the action of the management of M/s. Alpha Tech Nirman Pvt. Limited, Bangalore in denying the bonus to their workers for the year 2000-01 is legal ? If not, what is the amount of bonus the workers are entitled for ?"

2. On receipt of the reference when notices were issued to both sides, both sides entered their appearances through their respective advocates and filed claim statement and counter statement respectively. In the claim statement filed by the General Secretary of the first party union it is alleged that the first party union is a trade union registered under the Trade Unions Act, 1926 and is affiliated to All India Trade Union Congress which has also membership in various industries and other general services in and around Chikamagalur, Hassan and Coorg Districts has been espousing the cause of labour including contract labours subject to inhuman exploitation by the managements. Labour Contractors and that the second party is a contractor under the management of Kudremukh Iron Ore Company Ltd. (hereinafter referred as KIOCL) and has employed around 110 workers for the purpose of carrying out the work of KIOCL. It is further alleged that the first party union which represents a majority of workforce employed by the second party and filed a petition before the second party and KIOCL on 22-3-2002 seeking payment of bonus for the financial year 2000-01, wages for 7 days and many other legal benefits such as leave with wages, overtime etc. and as there was no response from both of them he/first party filed a petition before the Assistant Labour Commissioner (Central) Mangalore on 26-4-2002 and in the conciliation initiated by him on 5-6-2002 the second party agreed to pay 7 days wages and overtime wages and as the same was not full and final settlement of all the demands he did not accept the said offer of payment of wages for 7 days and the overtime wages as such the conciliation was failed and proceeding was drawn on that day accordingly and then having some doubts about the handling of the matter by the Assistant Labour Commissioner (Central) Mangalore to favour the Management he took up the dispute before the Regional Labour Commissioner (Central) Bangalore through petition dated 8-6-2002 and in the said proceedings the second party as well as the KIOCL participated but did not agree to pay Bonus for the year 2000-01 alleging that they are not obliged to pay the same as such the said conciliation before the RLC (C), Bangalore ended in failure and resulted in the present reference. It is further alleged the workmen employed by the second party during the financial year 2000-01 having worked continuously during the year they are entitle to bonus for the said year and that these workers were paid bonus for the financial years 1998-99 and 1999-2000 and even the earlier contractors used to pay bonus in the form of ex-gratia, ad hoc amount etc. as such the workmen of second party were entitle to bonus for the

financial year 2000-01. It is also alleged the second party earned profits during the financial year 2000-01 and as such the workmen are entitle to maximum bonus for the said year however, the second party having denied the bonus which is statutorily payable at 8.33 per cent and the said action in denying the bonus is not justified. It is also alleged the KIOCL as Principal Employer is also responsible to ensure payment of statutory payments to the workmen as such the KIOCL is also liable to pay the amount and reimburse the same from the second party.

3. The second party in the counter statement filed on 13th May 2004 contended that he being only a Contractor who had executed annual maintenance job for the KIOCL for the year 2000–02 and started job on 14-6-2000 and completed on 8-1-2002 it was only for a period of 18 months contract and the claim of the first party union that he is legally liable for payment of bonus is not correct and he is not legally obliged to pay the bonus and all the payments legally payable have been paid to the workmen and that the first party union is not entitle to claim bonus from him. Again the second party filed an additional written statement on 13-4-2005 contending that the first party union or anybody claiming under the said Union are not coming under the purview of 'workman' as defined under Section 2(s) of the Industrial Disputes Act, 1947 since they were not employed with the second party and as such present reference itself is not maintainable and it should be rejected in limine and on the contrary the engagement for the work being under a license issued under Contract Labour (Regulation and Abolition) Act 1970 the said engagement is not within the Industrial Disputes Act, 1947 as such the first party has no existing right to claim any of the reliefs from this court under the Industrial Disputes Act, 1947 which excludes Bonus as such the reference is liable to be rejected.

4. With the above pleadings when the matter was posted for evidence, the affidavit of Shri Peria Swamy, one of the workmen under the second party came to be filed on 15-5-2007 and examining him on oath on 21-8-2007 as WW1, 6 documents got marked as Ex. W1 to W6, the detailed description of which are narrated in the annexure and he was subjected for cross-examination by the learned counsel appearing for the second party. Inter alia on behalf of the second party while filing the affidavit of Shri K. V. Sidhick, Director of Second party company on 5-9-2005 examining him on oath as MW1, 5 documents are got marked as Ex. M1 to M5, the detailed description of which are narrated in the annexure. He was also subjected for cross-examination by the learned counsel appearing for the first party.

5. With the above pleadings, oral and documentary evidence brought on record when the learned advocates appearing for both sides were called upon to address their arguments, the learned advocate appearing for the first party while drawing my attention to Section 10 of the Industrial Disputes Act urged that an employer is mandatory required to pay a minimum Bonus of 8.33 per cent of the salary or wage earned by the employee during the accounting year or 100 rupees whichever is higher whether or not the employer has any allocable surplus in the accounting year, in the present case no accounts being produced by the second party the first is unable to demonstrate what was the allocable surplus in the accounting year but anyway the minimum bonus at the rate of 8.33 per cent of wages of employee has to be paid by the second party as such the denial of the same is not justified. Inter alia the learned advocate appearing for the second party urged that union cannot be a workman therefore, there is no industrial dispute under Section 2(k) of the ID Act and the first party union having nothing to do with the workmen under the second party they have no loco-standi to raise the dispute as such this dispute cannot be an industrial dispute and is liable to be rejected.

6. On appreciation of the pleadings, oral and documentary evidence brought on record by both sides in the light of the arguments addressed by the learned advocates. I have arrived at the conclusion the action of the management of M/s. Alpha Tech Nirman Pvt. Ltd., denying the bonus to their workers for the year 2000-01 is not legal and that all the workmen are entitle for minimum bonus of 8.33 per cent of their wages or Rs. 100 whichever is higher for the year 2000-01 for the following reasons :

REASONS

7. As per Clause (k) to Section 2 of the Industrial Disputes Act any dispute or difference between the employers and employers or between employers and workmen or between workmen and workmen which is connected with the employment or the terms of employment or the conditions of labour being an industrial dispute, the claim against denial of bonus cannot be said to be not an industrial dispute as urged on behalf of the second party. Moreover, Section 22(2) of Payment of Bonus Act, 1965 stipulates that where any dispute arises between the employer and employees with respect to the bonus payable under the said act or with respect to the application of the said to an establishment in public sector then such dispute shall be deemed to be an industrial dispute within the meaning of industrial disputes Act, 1947 (14 of 1947) or any corresponding law relating to investigation and settlement of industrial dispute inforce, as such, absolutely there is no substance in the contention that the present reference is not an industrial dispute. Therefore looking from any angle, the contention put forward on behalf of the second party this reference do not constitute an industrial dispute and is liable to be rejected is without any merit. Since Section 10 of the Payment of Bonus Act makes it mandatory for every employer to pay to their employee in respect of the accounting year commencing on any day

in the year 1979 and in respect of other subsequent year paying bonus at the rate of 8.33 per cent of the salary or wage earned by the employee during the accounting year or Rs. 100 whichever is higher whether he has or not any allocable surplus in the accounting year, the contention of the second party that he is not obliged to pay the bonus to its workmen is bereft of any merit and he is bound by Section 10 of the Bonus Act. Under the circumstances the action of the management of M/s. Alpha Tech Nirman in denying the bonus to the workers for the year 2000-01 is not legal and all the workmen under him are entitle for bonus at the rate of 8.33 per cent of their salary or wage earned during the accounting year of Rs. 100 whichever is higher.

8. In the result, I pass the following Award.

AWARD

The reference is allowed holding the action of the management of M/s. Alpha Tech Nirman Pvt. Ltd. in denying bonus to their workers for the year 2000-01 is not legal and that its workmen are entitle for 8.33 per cent of their salary or wage earned during the accounting year 2000-01 or Rs. 100 whichever is higher by way of bonus for the year 2000-01.

(Dictated to PA transcribed by her corrected and signed by me on 16-11-2011)

S. N. NAVALGUND, Presiding Officer

Annexure CR No. 38/03

List of witnesses for the Management/Second party

1. Shri K. V. Sidhick, Director — MW1

List of documents marked for the Second party/Management

1. Copy of the Board Resolution dated 15-7-2004 authorising Mr. V. B. Sainudheen, Director of the company for conducting cases on behalf of the company. — Ex. W1
2. Leer of intent dated 9th June, 2000 issued by M/s. KIOCL to M/s. Alphatech Nirman (P) Ltd., Bangalore — Ex. M2
3. Work Order dated 14th June, 2000 issued by M/s. KIOCL to M/s. Alphatech Nirman (P) Ltd., Bangalore — Ex. M3
4. Labour Licence No. 54/2000 dated 24-10-2000 issued by the Licencing Officer, Mangalore in favour of M/s. Alphatech Nirman (P) Ltd. — Ex. M4
5. Notice of completion of contract work No. 730 dated 24-1-2002 issued by KIOCL to M/s. Alphatech Nirman (P) Ltd., Bangalore. — Ex. M5

List of witnesses for the First Party

1. Shri Peria Swamy — WW1

List of documents marked for the First Party

1. Statement and Particulars of the workmen — Ex. W1
2. Copy of representation made through the General Secretary addressed to the second party regarding non-payment of bonus for the year 2000-01 and wages for 7 days and other legal benefts. — Ex. W2
3. Copy of the Conciliation Petition dated 26-4-2002 addressed to ALC(C) Mangalore by the General Secretary. — Ex. W3
4. Copy of the letter addressed to RLC (C) dated 8-6-2002 — Ex. W4
5. Copy of the letter dated 15-7-2002 addressed to the RLC (C), Bangalore by the second party. — Ex. W5
6. Copy of the letter dated 21-5-2002 addressed to the ALC (C), Mangalore by the Dy. General Manager (P), KIOCL — Ex. W6

नई दिल्ली, 14 दिसम्बर, 2011

का.आ. 91.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार दि मैनेजर टेलीकाम, बी.एस.एन.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अरनाकुलम-कोचीन के पंचाट (संदर्भ संख्या आई. डी. 10/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-12-2011 को प्राप्त हुआ था ।

[सं. एल.-40012/37/2008-आई आर (डीयू)]
जोहन तोपनो, अवर सचिव

New Delhi, the 14th December, 2011

S.O. 91.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D. 10/2009) of the Central Government Industrial Tribunal/Labour Court, Ernakulam, Cochin as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of The General Manager Telecom, B.S.N.L. and their workman, which was received by the Central Government on 14-12-2011.

[No. L-40012/37/2008-IR (DU)]
JOHAN TOPNO, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

PRESENT:

Shri D. Sreevallabhan, B.Sc., LL.B., Presiding Officer

(Tuesday the 29th day of November, 2011)

I.D. 10/2009

Workman : Shri P. Muhammed,
Parakkara Veedu,
Chembutharangad,
Cottanad P.O.,
Meppady, Kozhikode

By Adv. Smt. Sadhana Kumari. E

Management : The General Manager,
Telecom, B.S.N.L.,
Calicut

By Advs. Saji Varghese

This case coming up for final hearing on 23-11-2011 and this Tribunal-cum-Labour Court on 29-11-2011 passed the following.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 the Government of India, Ministry of Labour & Employment vide order No. L-40012/37/2008-IR (DU) dated 16-2-2009 have referred the industrial dispute specified in the schedule in that order to this Tribunal for adjudication.

2. The dispute is :

"Whether the action of the management of the General Manager, Telecom, BSNL, Calicut, in terminating the services of their workman Shri P. Muhammed w.e.f. 2003 is legal and justified ? If not, to what relief the workman is entitled to ?"

3. This reference at the instance of the workman is as to the termination of his services by the management w.e.f. 2003. But after his appearance he filed claim statement with a prayer for regularisation of service by making allegations in support of the same and without any plea as to the validity of the termination of his services by the management.

4. According to him he was appointed as a casual labourer by the authorized officers of the Department of Telecom (DOT) in accordance with the rules and he was engaged as a Mazdoor in 1983 and in 1986 to 1987 and thereafter continuously from 1-3-1989 till 2003. As per Casual Labourers (Grant of Temporary Status and Regularisation) Scheme dated 7-11-1989 he was entitled to be confirmed with temporary status. He was not given temporary status even though persons junior to him were given such status. He had submitted a representation to the Chief General Manager, Telecom regarding regularisation. Even though his name was included in the list it was later rejected. Hence he had approached the Central Administrative Tribunal for the redressal of his grievance. But no relief was granted as the Tribunal ceased to have jurisdiction after the formation of BSNL. As per the direction in O.P. No. 19751/2003 of the Hon'ble High Court of Kerala filed by him along with others he has submitted an application for regularisation and the same was also rejected. As he was a casual Mazdoor from 1983 to 2003 and had worked for 220 days in a year before the imposition of ban of casual labours he is entitled to be regularized.

5. The management in its written statement would contend that the claimant is not entitled to get any relief as there is nothing to satisfy the conditions to be fulfilled for the conferment for empanelment, temporary status and regularisation. The DOT used to engage casual labourers for their various works related to expansion of telephone network. But there was a total ban on recruitment/ engagement of casual workers from 22-6-1988. In order to claim temporary status as per the Casual Labourers (Grant of Temporary Status and Regulrisation) Scheme the casual labourer must be one in employment before the ban and also at the time of the commencement of the scheme and in continuous service of at least one year, out of which he must have been engaged on work for a period of 240 days (206 in the case of offices observing five day week). The claimant was unable to satisfy the fulfillment of the conditions for temporary status. He had abandoned the casual work before one year from the date of commencement of the scheme and hence it was impossible to count his past casual service for any purpose. Only those who were eligible for temporary status were given the benefits. The management had done nothing to deny the benefits that are legitimately due to him. As per the direction of the Central Administrative Tribunal, Ernakulam Bench in O.A. 1402/1993 and the connected cases, applications were invited for empanelment and those found to be eligible after scrutiny were empaneled. The workman had not submitted any application for empanelment which was to be made within a period of 30 days from the date of publication of notice. His applications and representations for regularisation were properly considered by the competent authority. But the same were rejected as there was no merit in his claim. Hence he is not entitled to any relief.

6. The workman did not file any rejoinder even after affording sufficient opportunity.

7. On the side of the workman WW1 & WW2 were examined and Exts W1 to W7 were marked. For the

management one witness was examined as MW1 and Exts. M1 to M6 were got marked.

8. The points for determination are :

(1) Whether the claim for regularisation can be considered in this reference ?

(2) Whether there is any reason to hold that the management of the General Manager, Telecom BSNL, Calicut in terminating the services of their workman Sri P. Muhammed w.e.f. 2003 is not legal and justifiable ?

(3) What relief, if any, the workman is entitled to ?

9. **Point No. 1 :** The reference is for the purpose of adjudication of the dispute whether the termination of the workman from the services of the management w.e.f. 2003 is legal and justified. The reference is not in any way concerned with regularisation of his service. The entire pleadings as well as the evidence adduced in this case have no bearing on the question of considering the termination of his service. Regularisation is not a matter crops up for consideration in this reference. It cannot even said to be a matter appearing to be connected with or relevant to the dispute for the purpose of answering the reference. It is not known what persuaded the workman to formulate the pleadings and to adduce evidence for considering the issue of regularisation.

10. An industrial dispute as to regularisation is to be espoused either by a union or a number of workmen in the establishment. In Raghu Nath Gopal Patvardhan [1957 (1) LLJ 27] the Apex Court ruled as to what dispute can be called as an industrial dispute. It was laid down that (1) a dispute between the employer and a single workman cannot be an industrial dispute, (2) it can not be per-se be an industrial dispute but may become if it is taken up by a trade union or a number of workmen. In Dharampal Prem Chand [1965 (1) LLJ 668] it was held by the Apex Court that a dispute raised by a single workman cannot become an industrial dispute unless it is supported either by his union or in the absence of a union by substantial number of workmen. Same law was laid down in the case of Indian Express Newspaper (Pvt.) Limited [1970 (1) LLJ 132]. In the decision reported in Mangalam Publications (India) Pvt. Ltd. v. Thampy 2006 (2) KLT 327 it was clearly laid down that grievance of an individual workman cannot be adjudicated in a reference under S. 10(1)(c). Therein it was held :

> "The dispute should be (1) between the employees and employers/(2) between employers and workmen/ (3) between workmen and workmen/(4) and the dispute should be regarding (a) employment or non-employment/(b) the terms of employment/(c) the conditions of labour of any person. It is fairly clear that the industrial dispute contemplated under S. 2(k) is a collective industrial dispute. Any grievance of a workman in an industry has normally a collective dimension and if that is resolved through the collective effort, neither the management nor other workmen need be dragged to unnecessary litigation. Otherwise, it would lead to the situation of every workman either opting for or being forced to getting his grievance redressed in an adjudication. That would certainly affect the industrial peace. Individual grievances unless sponsored through the Union or when there is no Union through the medium of an appreciable number of workmen in the establishment, cannot be adjudicated as an industrial dispute in a reference under S. 10(1)(c)".

11. Here in this case it is only an individual dispute and cannot even be treated as an industrial dispute. An industrial dispute under the Industrial Disputes Act is to be one between the employer and workmen which is connected with the employment or non employment or the terms of employment or the conditions of labour of any person. There is a distinction between individual dispute and collective dispute. When an individual dispute becomes a collective dispute between the employer and the workmen it can be treated as an industrial dispute under the said Act. An individual dispute which has not become a collective dispute cannot be characterized as an industrial dispute. It is a necessary requirement that the claim put forward should be on behalf of the employees own workmen generally. The essential characteristic of an industrial dispute is a difference of opinion between the employer and the employees in an industry in relation to a claim generally made on behalf of the employees or of a section of the employees or of even one employee depending upon the facts and circumstances of the peculiar case. It is well settled law that an individual workman cannot raise an industrial dispute coming within the purview of S. 2(k) of the Industrial Disputes Act, 1947.

12. This Tribunal has no jurisdiction to consider the question of regularisation except through a reference espoused by a union or a substantial number of workmen in the establishment. As the question of regularisation will not come within the scope of this reference it does not deserve any consideration.

13. **Point No. 2 :** The workman was engaged as a casual labourer by the DOT. It is the case of the workman that he was initially engaged in 1983 and afterwards in 1986 to 1987 and thereafter from 1-3-1989 at Wayanad district. He is not having a definite case when he was terminated from the service. In para 9 of the claim statement it is stated that he was working till 2003 and thereafter he was refused to be taken for employment due to the specific instructions to his superiors by BSNL. But in para 10 of the proof affidavit it is averred that he was working with the opposite party till 2005 and it is after that he was

refused to be taken for employment as per the specific instructions by the BSNL. He has no case that his service was not validly terminated. Even though there is an allegation in the claim statement that he was appointed by the DOT officers in accordance with the rules there is no reliable evidence to prove the same. He was only a casual labourer engaged during intermittent periods and hence his service can be terminated at any time without complying with the requirements under Section 25F of the Industrial Disputes Act, 1947 if he was not continuously employed for 240 days in an year. There is no plea in the claim statement that he had worked for 240 days in an year. In para 14 of the claim statement there is the specific allegation that he had worked for 220 days in an year. Para 15 of the affidavit contains an averment in support of it. It is nowhere stated in the affidavit that he had worked for 240 days. At the time of argument learned counsel for the workman had pointed out that it can be seen from Ext. W1 that he had worked for 240 days during the period from 1-4-1991 to 31-3-1992. It is stated to have been issued by a Junior Telecom Officer. He was not examined as a witness in this case to prove the issuance of such a certificate even though challenge was made with regard to its genuineness by the management. WW2 was examined to prove the issuance of a certificate which was not sought to be marked. It was stated by him that he had issued a certificate without any authority after his retirement from service. The certificate is stated to have been issued before two years. His retirement was on 28-2-1999. The certificate is in English. He is admitted to be having only little knowledge in English. Though such a person was examined as a witness as to the issuance of a certificate not marked in this case the person who issued Ext. W1 certificate was not examined in this case to prove the same. No explanation was offered by the workman for the non-examination of the person who issued Ext. W1. Ext. W1 cannot in any way be relied on to prove that the workman had worked at any time for 240 days in an year especially in view of the pleading in the claim statement as well as the averment in the affidavit that he had worked only for 220 days in an year. It was already pointed out that the prayer in the claim statement and even in the proof affidavit is for regularisation. There is no specific plea or any reliable evidence to prove that there was no valid termination of service. There is no case in the claim statement or at the time of his examination that he had worked for more than 240 days in an year and hence his service was to be terminated by complying with the mandatory requirements under Section 25F of the Industrial Disputes Act, 1947. Being only a casual labourer not engaged continuously for a period of 240 days in an year his services can be terminated at any time by the management without complying with the requirements under Section 25F of the Industrial Disputes Act. There is absolutely no reason to hold that his service was illegally terminated by the management.

14. **Point No. 3 :** As there is no specific plea or any definite evidence to prove that the service of the workman is not validly terminated it can only be held that the action of the management of the General Manager, Telecom, BSNL, Calicut in terminating the services of the workman w.e.f. 2003 is legal and justified. Hence he is not entitled to any relief.

The award will come into force one month after its publication in the official gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 29th day of November, 2011.

D. SREEVALLABHAN, Presiding Officer

Appendix

Witness for the Workman :

WW1	—	Shri P. Muhammed, Workman.
WW2	—	Shri Thankachan, Retired Sub Inspector of Lines, Wayanad, Kalpatta.

Witness for the Management :

MW1	—	Shri Rajan Nair M.T., Sub Divisional Engineer, BSNL, Kunnamangalam.

Exhibits for the Workman :

W1	—	Photocopy of the certificate dated 10-4-1995 of the Junior Telecom Officer, External, S. Bathery.
W2	—	Photocopy of the receipts issued by the workman to the management.
W3	—	Photocopy of the cheques issued by the management to the workman.
W4	—	Photocopy of the letter No. AGM(A)/ CL/98-99 dated 4th June, 1999 of the Assistant General Manager (Admn.) regarding empanelment of Casual Mazdoors.
W5	—	Photocopy of Order No. LC. III/152/OP No. 19753/2003 dated 30-9-2003 of the Chief General Manager, Telecom, BSNL, Kerala Circle, Trivandrum-33.
W6	—	Photocopy of Judgment dated 6-7-2007 in WP (C) 35782 of 2005 (1).
W7	—	Photocopy of the statement dated 9-9-2008 filed by C. Rajagopalan, Assistant General Manager (Administration), O/o. the Principal General Manager Telecom before the Assistant Labour Commissioner (Central), Kakkanad.

Exhibits for the Management :

M1 — Photocopy of the Official Memorandum dated 30-9-2000 of Ministry of Communications, Department of Telecommunication Services and the certificate of incorporation dated 15-9-2000 issued by the Registrar of Companies.

M2 — Photocopy of letter No. 270-6/84-STN dated 22-6-1988 of DOT.

M3 — Photocopy of the rules regarding the destruction of accounts records.

M4 — Petition in TLSA No. 237/2006 submitted by the workman before the Sub-Divisional Engineer, Telecom, BSNL, Meppady and District Engineer, Telecom, BSNL, Kalpatta.

M5 — Photocopy of Appendix 3 in Part-I, Vol. III of the Posts and Telegraphs Financial Handbook.

M6 — Photocopy of Chapter XI in Vol. I of Swamy's Compilation of Posts & Telegraphs Financial Handbook.

नई दिल्ली, 14 दिसम्बर, 2011

का.आ. 92.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार दी गैरीसिन इंजीनियर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, जयपुर के पंचाट (संदर्भ संख्या 18/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-12-2011 को प्राप्त हुआ था ।

[सं. एल-13011/6/2010-आईआर (डीयू)]
जोहन तोपनो, अवर सचिव

New Delhi, the 14th December, 2011

S.O. 92.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 18/2011) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure in the industrial dispute between the employers in relation to the management of The Garrison Engineer and their workman, which was received by the Central Government on 14-12-2011.

[No. L-13011/6/2010-IR (DU)]
JOHAN TOPNO, Under Secy.

अनुबंध

केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जयपुर

सी.जी.आई.टी. प्रकरण सं. 18/2011

श्री एन. के. पुरोहित, पीठासीन अधिकारी

विज्ञप्ति सं. (रेफरेन्स नं. एल-13011/6/2010-आई आर (डी यू)
दिनांक 13-5-2011

The Secretary,
MES Employees Union, (INTUC),
Hanuman Hatta, Gali No. 1,
Bikaner (Rajasthan)

V/s.

The Garrison Engineer (AF),
MES, NAL,
Bikaner (Rajasthan)

प्रार्थी की तरफ से : एक -पक्षीय कार्यवाही

अप्रार्थी की तरफ से : श्री विशाल द्विवेदी

पंचाट

दिनांक 23-11-2011

केन्द्रीय सरकार के द्वारा निम्न विवाद औद्योगिक विवाद अधिनियम, 1947 की धारा 10 की उप-धारा के खण्ड (घ) के प्रावधानों के अन्तर्गत उक्त आदेश के जरिए न्यायनिर्णयन हेतु प्रेषित किया गया था ।

"Whether the action of the management of Garrison Engineer (AF), NAL, Bikaner for non-payment of arrears as per the order of Hon'ble CAT, Jodhpur on account of fixation of pay of Shri Rajesh Kumar, upholster is legal and justified ? What relief the workman is entitled to ?"

2. निर्देश प्राप्त होने के बाद पक्षकारों को नोटिस जारी किए गए । पत्रावली के अवलोकन से यह प्रकट होता है कि रजिस्टर्ड नोटिस की तामील होने के बावजूद प्रार्थी यूनियन की तरफ से कोई उपस्थित नहीं हुआ । अत: दिनांक 24-10-2011 को प्रार्थी के विरूद्ध एकपक्षीय कार्यवाही का आदेश पारित किया गया ।

3. अप्रार्थी की ओर से श्री विशाल द्विवेदी ए.ई.ई. प्रतिनिधि के रूप में उपस्थित हुए ।

4. अप्रार्थी पक्ष को दस्तावेज एवं साक्ष्य हेतु अवसर दिया गया लेकिन अप्रार्थी प्रतिनिधि ने जाहिर किया कि चूंकि प्रार्थी यूनियन ने उपस्थित होकर कोई क्लेम ही प्रस्तुत नहीं किया है इसलिए अप्रार्थी से कोई जवाब अपेक्षित नहीं है तथा अप्रार्थी को साक्ष्य पेश नहीं करनी है ।

5. यह सिद्ध करने का प्रारम्भिक भार प्रार्थी यूनियन पर था कि राजेश कुमार को उसे देय बकाया राशि नहीं दी गई है । लेकिन रजिस्टर्ड नोटिस की तामील के बावजूद यूनियन की तरफ से न कोई उपस्थित हुआ है और न ही क्लेम प्रस्तुत किया गया है । ऐसा प्रतीत होता है कि दोनों पक्षों के मध्य विवाद नहीं रहा है इसलिए प्रार्थी यूनियन को इस मामले में दिलचस्पी नहीं रही है । उक्त परिस्थितियों

में विवाद रहित पंचाट पारित किया जाता है । निर्देश का उत्तर तदानुसार दिया जाता है ।

6. पंचाट की प्रतिलिपि केन्द्रीय सरकार को औद्योगिक विवाद अधिनियम 1947 की धारा 17(1) के अन्तर्गत प्रकाशनार्थ प्रेषित की जावे ।

एन. के. पुरोहित, पीठासीन अधिकारी

नई दिल्ली, 14 दिसम्बर, 2011

का.आ. 93.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कमानडिंग आफिसर, 16 इनफैन्ट्री डिवीजन, थ्रो 56 ए.पी.ओ के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जयपुर के पंचाट (संदर्भ संख्या आईडी/49/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-12-2011 को प्राप्त हुआ था ।

[सं. एल-14012/30/2005-आईआर (डीयू)]
जोहन तोपनो, अवर सचिव

New Delhi, the 14th December, 2011

S.O. 93.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. ID/49/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Commanding Officer, 16, Infantry Division, Through 56 A.P.O. and their workman, which was received by the Central Government on 14-12-2011.

[No. L-14012/30/2005-IR (DU)]
JOHAN TOPNO, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR

PRESENT :

Shri N. K. Purohit, Presiding Officer

I.D. 49/2006

Reference No. L-14012/30/2005/IR (DU), dated 5-6-2006

Shri Shanker Lal,
S/o. Raju Ram Meghwal,
R/o. Village Kalia,
Teh. and Distt : Sri Ganganagar.

V/s.

Commanding Officer,
16, Infantry Division,
(Education Wing) through 56 A.P.O.

AWARD

21-11-2011

1. The Central Government in exercise of the powers conferred under clause (d) of sub-section 1 and 2(A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following industrial dispute to this tribunal for adjudication which is as under :—

> "Whether the action of the Principal of Army School, Sri Ganganagar in terminating the services of Shri Shanker Lal, Safai Karamchari from 8-2-2004 is legal and justified. If not, to what relief the claimant is entitled to and from which date ?"

2. In brief, the case of the workman is that he was appointed as peon against the permanent post on 12-11-1997. He continuously and regularly worked up to 8-2-2004 and as such he has worked more than 240 days in every calendar year of his service tenure but his services have been terminated on 8-2-2004 without notice or notice pay in lieu of notice therefore, his termination is in violation of Section 25-F of I.D. Act. The workman has alleged that at the time of his termination no seniority list was prepared by the non-applicant and junior to him were retained in violation of Section 25-F. He has further alleged that after his termination fresh hands were recruited in violation of Section 25-F of the I.D. Act. The workman has prayed that his retrenchment may be declared illegal and non-applicant be directed to reinstate him with all consequential benefits.

3. In reply, the non-applicant has denied the claim of the workman and it has been averred that the workman was appointed as safaiwala on temporary and casual basis for the job of cleaning the school premises. His services were terminated vide AWES Rule, Article 130 after serving three months notice. It has further been averred that provisions of Section 25-F, G and H are not applicable in the matter of the workman and his claim deserves to be rejected.

4. On 26-7-2011 at the stage of filing rejoinder and documents on behalf of the workman an application was submitted by his representative stating that despite all efforts the workman did not contact him therefore, he pleads 'no instruction'. Thus, registered notice was issued to the workman for appearing in the proceedings of the case. But despite service of registered notice he did not appear on 13-10-2011 therefore, ex-party proceedings were drawn against him and opportunity was given to the non-applicant for adducing its evidence but no evidence was adduced on behalf of the non-applicant on 16-11-2011. Under these circumstances case was reserved for award.

5. Heard the learned representative on behalf of the non-applicant and perused the record.

6. Initial burden was on the workman to prove his case by adducing oral or documentary evidence but the workman has not appeared to substantiate his claim.

7. Except pleadings there is no oral or documentary evidence on record for adjudication of the reference under consideration on merits. It appears that the workman is not interested to contest the case further. Therefore, "No Claim Award" is passed in this matter. The reference under consideration is answered accordingly.

8. Award as above.

9. Let a copy of the award be sent to Central Government u/s. 17(1) of the I.D. Act for publication.

N. K. PUROHIT, Presiding Officer

नई दिल्ली, 14 दिसम्बर, 2011

का.आ. 94.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार जरनल मैनेजर, व्हीकल फैक्ट्री के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या एलसी/आर/76/92) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-12-2011 को प्राप्त हुआ था ।

[सं. एल-14012/96/1991-आईआर (डीयू)]
जोहन तोपनो, अवर सचिव

New Delhi, the 14th December, 2011

S.O. 94.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. LC/R/76/92) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of General Manager, Vehicle Factory and their workman, which was received by the Central Government on 14-12-2011.

[No. L-14012/96/1991-IR (DU)]
JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/76/92

PRESENT :

Shri Mohd. Shakir Hasan, Presiding Officer

Shri Anantram Tiwari, Secretary,
Vehicle Factory Workers' Union,
Vehicle Factory,
Jabalpur ... Workman

Versus

General Manager,
Vehicle Factory,
Jabalpur ... Management

AWARD

Passed on this 7th day of December, 2011

1. The Government of India, Ministry of Labour vide its Notification No. L-14012/96/91-IR (DU) dated 8-4-1992/10-4-1992 has referred the following dispute for adjudication by this tribunal :—

> "Whether the action of the management of Vehicle Factory, Jabalpur (MP) in not counting the services of Shri K. K. Tiwari, Fitter General "C" from 29-4-1970 and thereby not giving him promotion on that basis is justified ? If not to what relief the workman is entitled to ?"

2. The case of the workman in short is that he was appointed as a Fitter General "C" category in Press shop section on 29-4-1970 and was terminated from service on 26-12-1974 on committing gross misconduct. He was terminated after enquiry. He preferred appeal against the punishment order before the Director General, Ordnance Factory but result was not communicated. The further case is that all of a sudden, the management offered him a fresh appointment of Fitter "C" General Vide order dated 3-2-1980 without giving the benefit of his past service. The workman joined the job under protest. It is stated that his juniors were promoted earlier though he was entitled to the benefit of past service under rules. It is submitted that the management be directed to count his past service from 29-4-1970 for the purpose of increments, seniority and promotion and be directed to pay all arrears with costs of the suit.

3. The management appeared and contested the reference. The case of the management, inter alia, is that admittedly he was appointed as a Fitter on 29-4-1970 but he was removed from service on 13-5-1974 on account gross misconduct. He was chargesheeted and was found guilty of three charges. On personal approach of the workman, the then General Manager after considering his case sympathetically offered him for appointment as fitter "C" on 3-2-1990 as a fresh appointee. He was appointed a fresh second time, as such the question to count past services do not arise. It is submitted that the reference be decided in favour of the management.

4. On the basis of the pleadings of the parties, the following issues are framed on recast—

I. Whether the enquiry is just, proper and legal ?

II. Whether the punishment awarded is proper and legal ?

III. Whether the action of the management in not counting the services of the workman from 29-4-1970 is justified ?

IV. Whether the promotion not given on the basis of his past services is correct or legal ?

V. To what relief the workman is entitled ?

5. The workman subsequently became absent and therefore the then tribunal proceeded the proceeding exparte against the workman on 18-2-2008.

6. Issue Nos. I & II :

It is not out of place to say that there is no reference as to whether the removal of the workman from the service w.e.f. 26-12-1974 was justified. The then Tribunal incidentally framed this issue. However, this issue is decided on 22-4-2010 and it is held that there is no illegality in the court of enquiry and the finding of the Enquiry Officer was not perverse. Thus it is clear that the misconduct against the workman was proved against the workman in the departmental enquiry. I find that there is no need to interfere in the order of penalty. These issues are decided against the workman and in favour of the management.

7. Issue No. III :

The management has adduced his evidence. The management witness Shri Anuj Kishore Prasad is Joint General Manager, Vehicle Factory, Jabalpur. He has supported the case of the management. He has stated that the workman was again appointed on the post of Fitter "C" as a fresh recruitee vide order dated 3-2-1980. The copy of the appointment letter is filed which is Paper No. 7/3. He has further stated that the question of counting his past services and giving him benefit thereof does not arise. Earlier he was removed from service on proved charges. His evidence is unrebutted. There is no reason to disbelieve his evidence. This shows that his past service is not fit to be counted in the service of second appointment. This issue is decided in favour of the management.

8. Issue Nos. IV and V :

On the basis of the discussion made above, the workman is not entitled to be promoted on the basis of past services. He is not entitled to any relief. The reference is, accordingly, answered.

9. In the result, the award is passed without any order to costs.

10. Let the copies of the award be sent to the Government of India, Ministry of Labour and Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 14 दिसम्बर, 2011

का.आ. 95.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार चीफ जरनल मैनेजर, डिपार्टमेन्ट ऑफ टेलीकाम के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या एलसी/आर/ 38/05) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-12-2011 प्राप्त हुआ था ।

[सं. एल-40012/146/2002-आईआर (डीयू)]
जोहन तोपनो, अवर सचिव

New Delhi, the 14th December, 2011

S.O. 95.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. LC/R/38/05) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Chief General Manager, Deptt. of Telecom and their workman, which was received by the Central Government on 14-12-2011.

[No. L-40012/146/2002-IR (DU)]
JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/38/05

PRESENT :

Shri Mohd. Shakir Hasan, Presiding Officer

Shri Munne Khan,
S/o Shri Chuttu Khan,
H. No. 12, Gali No. 13,
Aarif Nagar,
Bhopal ... Workman

Versus

The Chief General Manager,
Deptt. of Telecom,
Hoshangabad Road,
M.P. Circle, Bhopal ... Management

AWARD

Passed on this 1st day of December, 2011

1. The Government of India, Ministry of Labour vide its Notification No. L-40012/146/2002-IR (DU) dated 16-5-2005 has referred the following dispute for adjudication by this tribunal :—

"Whether the action of the management of Chief General Manager Telecom, Bhopal in terminating the services of Shri Munne Khan S/o Shri Chuttu Khan w.e.f. October 1991 is legal and justified ? If not, to what relief the workman is entitled ?"

2. The case of the workman in short is that he was employed under R.I. Project from November 1984 to May

1988 and worked on muster roll. His service was suddenly dispensed with without any show cause and without compliance of the provision of Section 25-F of the Industrial Dispute Act, 1947 (in short the Act, 1947). The workman was taken back in Service from January 1990 to October 1991. The termination was illegal under the Act, 1947 and the workman be reinstated with back wages.

3. The management appeared and filed Written Statement to contest the reference. The case of the management in short is that the workman was never employed on muster roll and, therefore, the question of termination from service does not arise. He was never engaged by the Department or in R.E. Project. He is not entitled to any compensation under Section 25-F of the Act, 1947. It is submitted that the workman is not entitled to any relief.

4. On the basis of the pleadings of the parties, the following issues are framed—

I. Whether the action of the management in terminating the services of the workman is justified ?

II. To what relief the workman is entitled ?

5. Issue No. I :

The workman appeared in the case and filed his statement of claim. Thereafter he did not file any evidence and, therefore, the reference proceeded ex parte against the workman on 17-1-2011.

6. The management has adduced his evidence. The management witness Shri P. N. Singh is Divisional Engineer. He has supported the case of the management. He has stated that the workman was not employed on muster roll either in the Department of Telecom or in R.E. Project. He has stated that the question of retrenchment compensation under the provision of Section 25-F of the Act, 1947 does not arise. His evidence is unrebutted. There is nothing to disbelieve his evidence. This shows that the workman was never employed in the Department of Telecom. This issue is decided against the workman and in favour of the management.

7. Issue No. II :

On the basis of the discussion made above, the workman is not entitled to any relief. Accordingly, the reference is decided.

8. In the result, the award is passed without any order to costs.

9. Let the copies of the award be sent to the Government of India, Ministry of Labour and Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer.

नई दिल्ली, 14 दिसम्बर, 2011

का.आ. 96.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार चीफ जरनल मैनेजर, डिपार्टमेन्ट ऑफ टेलीकाम के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या एलसी/आर/ 49/05) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-12-2011 प्राप्त हुआ था ।

[सं. एल-40012/1/2002-आईआर (डीयू)]
जोहन तोपनो, अवर सचिव

New Delhi, the 14th December, 2011

S.O. 96.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. LC/R/49/05) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Chief General Manager, Deptt. of Telecom and their workman, which was received by the Central Government on 14-12-2011.

[No. L-40012/1/2002-IR (DU)]
JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/49/05

PRESENT :

Shri Mohd. Shakir Hasan, Presiding Officer.

Shri Anwar Khan,
S/o. Shri Tayyub Khan, H. No. 125,
Mufti Bagh, Near Well,
Shahjahanabad,
Bhopal. ... Workman

Versus

The General Manager,
Telecom, CTO Building,
T.T. Nagar, Bhopal. ... Management

AWARD

Passed on this 2nd day of December, 2011

1. The Government of India, Ministry of Labour vide its Notification No. L-40012/1/2002-IR (DU) dated 31-5-2005

has referred the following dispute for adjudication by this tribunal :—

"Whether the action of the management of General Manager, Telecom, Bhopal in terminating the services of Shri Anwar Khan S/o. Shri Tayyub Khan w.e.f. October 1991 is justified ? If not, to what relief the workman is entitled ?"

2. The case of the workman in short is that he was employed on muster roll from January 1986 to July 1987. Again he was re-engaged from June 1990 to October 1991. Thereafter his services were dispensed with by the management without complying the provision of Section 25-F of the Industrial Disputes Act, 1947 (in short the Act, 1947). It is stated that the provisions of Section 25H and 25G of the Act, 1947 were also not considered. His termination is amount to retrenchment and the workman be reinstated with back wages.

3. The management appeared and filed Written Statement to contest the reference. The case of the management, inter alia, is that the workman was never engaged by the management on muster roll from January 1986 to July 1987. As such the question to violate any provision of the Act, 1947 does not arise. It is submitted that the workman is not entitled to any relief.

4. On the basis of the pleadings of the parties, the following issues are framed for adjudication—

I. Whether the action of the management in terminating the services of the workman w.e.f. October 1991 is justified ?

II. To what relief the workman is entitled ?

5. Issue No. I :

On perusal of the record, it appears that the workman subseqently became absent and did not file any evidence. As such his case proceeded ex parte on 17-1-2011.

6. The management has adduced evidence in the case to prove the case. Management witness Shri P. N. Singh is Divisional Engineer. He has supported the case of the management. He has stated that the workman was not employed on muster roll employee and the question of any compensation under Section 25-F of the Act, 947 does not arise. There is no other evidence in rebuttal of the evidence of the management. There is no reason to disbelieve his evidence. This issue is decided against the workman and in favour of the management.

7. Issue No. II :

Considering the discussion made above, I find that the workman is not entitled to any relief. Accordingly, the reference is answered.

8. In the result, the award is passed without any costs.

9. Let the copies of the award be sent to the Government of India, Ministry of Labour and Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer.

नई दिल्ली, 14 दिसम्बर, 2011

का.आ. 97.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार जयपुर नगौर आंचलिक ग्रामीण बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर के पंचाट (संदर्भ संख्या 38/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-12-2011 को प्राप्त हुआ था ।

[सं. एल-12012/43/2005-आई. आर. (बी-I)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 14th December, 2011

S.O. 97.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 38/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure in the industrial dispute between the management of Jaipur Nagaur Aanchlik Gramin Bank, and their workman, which was received by the Central Government on 14-12-2011.

[No. L-12012/43/2005-IR(B-I)]
RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR

Present

N.K. Purohit, Presiding Officer

Case No. 38/2007

Reference No. L-12012/43/2005-IR(B-I)
Dated : 16-5-2007

Sh. Prabhudayal Sharma,
S/o Shri Trilok Chand Sharma,
Through Shri Ramesh Soni,
Opp. Railway Station, Borawad,
Distt. Nagaur

Versus

Chairman,
Jaipur Nagaur Aanchlik Gramin Bank,
Head Office, S.P. Marg,
Jaipur

PRESENT:

For the applicant : Sh. Suresh Kashyap

For the non-applicant : Sh. R.C. Papriwal

AWARD

Dated : 11-11-2011

1. The Central Government in exercise of the powers conferred under clause (d) of Sub-section 1 & 2(A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following industrial dispute to this tribunal for adjudication :

SCHEDULE

"Whether the action of the management of Jaipur Nagaur Aanchlik Gramin Bank, Jaipur in not reinstating Shri Prabhu Dayal Sharma in the services with effect from 25-10-1989 is justified? If not, what relief he is entitled to ?"

2. In claim statement, the workman has pleaded that he was working as junior clerk in the non-applicant bank. He was on medical leave during period 10-1-89 to 4-2-89. Thereafter, when he joined his duty on 4-2-89 a false charge sheet was issued to him on the ground of alleged unauthorized absence. He has further pleaded that due to harassment & mental pressure created by the management he submitted his resignation on 25-10-89. He has also pleaded that the management did not intimate him about the acceptance or non-acceptance of his resignation despite his repeated letters in this regard, thus, he withdrew his resignation on 23-6-04. He has also pleaded that since, the management never communicated him about acceptance of his resignation, he had right to withdraw his resignation. Therefore, the action of the management in not allowing him on duty amounts to illegal termination of his service. The workman has prayed for his reinstatement in service with all consequential benefits w.e.f. date of his resignation i.e. 25-10-89.

3. In reply, it has been contended on behalf of the management that the workman had remained absent from 6-2-89 without any information & he had left his services at his own without any pressure from the management side. The contention of the workman that his resignation was not accepted is without any substance as his resignation had already been accepted in the year 1989 & this fact was in the knowledge of the workman. It has further been contended that in response to the workman's letter dated 13-8-2000 whereby he made request for permitting him to rejoin service, it was intimated to him that after tendering resignation it is not possible to reconsider his matter in this regard. Further, the workman was intimated through Rajasthan Patrika's helpline on 23-10-03 that his resignation had already been accepted. It has also been contended that the workman has withdrawn his resignation after a gap of 15 years therefore; his claim deserves to be rejected.

4. In evidence, the workman has submitted his affidavit on which he has been cross examined by the management. In rebuttal, the counter affidavit of management witnesses Sh. Chandra Ram Malinda & Sh. Pradeep Kumar Saxena were produced but Sh. Chandra Ram Malinda could not be produced for cross examination on his affidavit.

5. In documentary evidence, the workman has produced documents Ex. W.1 to Ex. W.12 whereas the management has produced documents Ex. M-1 to Ex.. M-12 in support of their respective case.

6. I have heard the learned representatives on behalf of both sides & have scanned the relevant record.

7. The case of the workman is that he had to submit his resignation on 25-10-89 due to harassment & mental pressure created by the management. Since, acceptance of his resignation was not intimated, he withdrew it on 23-6-04 whereas it has been contended by the management that resignation was tendered voluntarily & it was accepted & communicated to the workman before he withdrew it therefore, he was not entitled to withdaw his resignation.

8. In view of the rival pleadings of both the sides, the questions crops up for consideration are as under :

(i) Whether the resignation dated 25-10-89 of the workman was tendered voluntarily ?

(ii) Whether the workman was entitled to withdraw his resignation on 23-6-04 ?

(iii) Whether the workman is entitled to be reinstated w.e.f. the date of his resignation i.e. 25-10-89 ?

Point No. I

9. The workman has stated that he was on medical leave during period 10-1-89 to 4-2-89 & medical certificates submitted by him were accepted by the management but in spite of this a false charge sheet for alleged willful absence was served upon him & his request to drop the charges against him was declined. He has alleged that due to harassment by the management he had to submit his resignation on 25-10-89.

10. Contrary to it, the management witness Sh. Pradeep Saxena has deposed that the workman was in habit of remaining absent from duty without information & prior permission. Hence, his explanation was sought by letter dated 3-3-88 Ex. D-3. He has further deposed that on 6-2-89 the workman proceeded on leave for three days after submitting leave application Ex. M-5. Thereafter, he neither applied for extension of leave nor reported on duty & later on submitted his resignation on 25-10-89. He has also deposed that the resignation was submitted by him voluntarily & he was not compelled to tender resignation.

11. So far as the question regarding justification of issuance of memo for alleged misconduct of willful absence is concerned, it is not relevant for adjudication of the reference under consideration & such question is beyond

the scope of the reference. Therefore, the documentary & oral evidence adduced by the parties in this regard is also not relevant for matter in controversy.

12. No employee would submit resignation by the way. There must always be a reason. The reason *narrated* by the workman persuaded him to tender resignation is that a false memo for willful absence was issued to him & his request to drop the same was declined. The reason which persuaded him to tender resignation is not such on the basis on which it can be inferred that he was compelled to tender his resignation. Therefore, the contention of the learned representative for the workman that the resignation dated 25-10-89 was not tendered voluntarily, is not sustainable.

Point No. II

13. These facts are not in dispute that the workman submitted his resignation on 25-10-89 & later on he submitted letter dated 23-6-04 for revocation of the said resignation after laps of about 15 years. The case of the workman is that the management did not intimate him about the acceptance of his resignation, thus, he had right to withdraw his resignation on 23-6-04 & he is entitled to be reinstated from the date of his resignation 25-10-89.

14. The learned representative on behalf of the workman contends that after the workman tendered his resignation, it should have either been accepted or rejected. The management cannot keep the resignation pending sine die. The management never informed the workman regarding acceptance or rejection of the resignation. The management has not produced any document regarding acceptance of the resignation. Even in reply through helpline it is not intimated when the resignation was accepted & communicated. He has further contended that in seniority lists of 1991 & 1993, the workman has been shown as 'absent'. It shows the existence of lien & relations of employer employee at the time of publishing said lists. Further, in document Ex. 12 names of those employees have been mentioned whose resignations were accepted by the management. Since, the name of the workman is not mentioned in the said lists it can be inferred that his resignation was not accepted. In support of his contention he has relied on 2009(1) W.L.C. 62 Raj. H.C. 1989 I LLJ 290 P & H. H.C. 2002 (3) RLR 593 Raj. H.C., 2001 (5) WLC 622 Raj. H.C., 1997 III LLJ (Suppl.) 301 (A.P.H.C.), 2004 WLC (U.C.) 146.

15. Per contra, the learned representative for the management submitted that the workman's resignation was accepted & its acceptance was communicated to the workman before his letter of revocation. The letter of workman to rejoin duty (Ex. D-6) reveals that he was well aware about the acceptance of his resignation before he withdrew his resignation on 23-6-04. The workman was absent since he proceeded on leave for three days & he did not join duty after tendering his resignation on 25-10-89. The letter of withdrawal of his resignation has been submitted after 15 years on 23-6-04. He has also submitted that in view of the Regulation 10 of the Regulation 1981, the resignation tendered by the workman was of unilateral nature. He further, submitted that even if there is no formal acceptance or communication regarding acceptance of the resignation, the resignation was effective & the workman was not entitled to withdraw his resignation. In support of his contention he has relied on 1993(2) SCC 725, 1995 Supp. (2) SCC 582, 1999(81) FLR 605 & copy of the decision dated 21-4-2004 in D.B. Spl. Appeal (writ) No. 1126/2002.

16. I have given my thoughtful consideration on the rival submissions of both the sides & have also gone through the case laws referred to by both the sides.

17. The workman has deposed that despite repeated request the management did not intimate when resignation was accepted by the management therefore, he withdrew his resignation.

18. Controverting it, the management witness has stated that the resignation was accepted & its acceptance was communicated by the management therefore, the workman was not entitled to withdraw his resignation on 23-6-04.

19. In this regard, the documents Ex-6 to 12 produced by the workman & documents Ex.D-6 to Ex.D-13 produced by management are relevant.

20. Upon perusal of the documents brought on record it reveals that after tendering resignation on 25-10-89 the workman wrote a letter Ex-6 dated 15-8-2000 for providing an opportunity to rejoin the service & in response to it he was informed by the management that his matter cannot be reconsidered vide its letter Ex.D-7 dated 17-8-2000. Vide letter Ex-6 dated 5-4-2002 request was made by the workman for furnishing particulars regarding acceptance of his resignation & for reconsidering his matter. Thereafter, he sought such information through helpline, Rajasthan Patrika vide his letter Ex-7 dated 24-4-2004. Copies of seniority lists Ex-11 dated 31-12-99 & Ex-12 dated 16-6-94 & Ex-12 circular dated 11-6-96 have been produced by the workman to show that his resignation was not accepted.

21. It further reveals that in letter dated 15-8-2000 Ex-6 whereby he made a request to give a chance to rejoin service, he did not raise any issue regarding non-communication of his resignation. Vide letter Ex.D-9 dated 21-7-03, the workman was informed through helpline, Rajasthan Patrika regarding acceptance of his resignation. It also reveals that the workman again wrote a letter Ex.D-10 dated 27-8-03 addressed to the manager, helpline, Rajasthan Patrika, wherein he stated that he did not receive any letter of acceptance of his resignation & consequential reliefs like P.F. etc. since he tendered resignation on 6-2-89.

The workman in his letter Ex-D-11 dated 7-8-03 addressed to the Senior Manager of the bank has stated that as per decision of the office his resignation had been accepted but in this regard he did not receive any acceptance letter & amount of due provident fund etc. Thereafter, the management vide its letter Ex-D-12 dated 23-10-03 informed the workman through helpline that amount of provident fund can be withdrawn from the department concerned & since he did not serve for the requisite period of 10 years, no gratuity is payable to him.

22. The management has not produced any record pertaining to formal acceptance of the resignation by the authority concerned. From the documents brought on record by the management, it is not established when resignation was actually accepted but it is evident from the record that after tendering resignation in the year 1989 the workman did not seek information regarding its acceptance for about 12 years. He sought such information first time vide his letter Ex-6 in the year 2002. It is also evident from the document Ex-D-11 dated 7-8-03 that at the time of submitting his resignation on 23-6-04, the workman knew that his resignation had already been accepted.

23. The learned representative on behalf of the workman has submitted that since any record pertaining to acceptance of resignation has not been produced by the management it should be inferred that no order of acceptance of resignation was ever passed by the management & adverse inference should be drawn against the management. In this regard, he has relied on 2009(1) WLC 62.

24. I have gone through the decisions cited on behalf of the workman. In said decision petitioner was holding composite posts of Medical Superintendent & Surgeon. The petitioner tendered resignation from the post of Medical Superintendent. His resignation was accepted by chief superintendent who was not competent to accept the resignation. The petitioner challenged the action of the management on the said ground. The plea was taken by the management that after acceptance of the resignation by the Chief Superintendent the relevant papers were forwarded to corporate office Bombay & were put up before the competent authority for consideration. But record was not produced in this regard. In facts & circumstances of the said case it was inferred that it is possible that resignation was not accepted by the competent authority.

25. In the present case, the workman after putting his resignation in the year 1989 never joined his duties. He abandoned his post & stayed away from duty since year 1989. He also remained silent for about 12 years & thereafter he sought information regarding acceptance of his resignation in the year 2002. The facts of the present case are quite dissimilar from the decision referred to by the learned representative on behalf of the workman. In facts & circumstances of the case in hand no adverse inference can be drawn against the management for non-production of documents regarding formal acceptance of the resignation.

26. The learned representative on behalf of the management has contended that even if the formal acceptance of the resignation was not communicated the workman was not entitled to withdraw his resignation after laps of 15 years. In this regard he has referred 1995 supp. (2) SCC 582 & 1999 (81) FLR 605.

27. In 1995 Supp. (2) SCC 582 the respondent was appointed as Medical Officer on temporary basis under the terms of the letter it was agreed by & between the parties as under :

> "Yours services can be terminated on one month's notice on either side."

28. In terms of the said term in the letter of appointment the respondent served notice on 14-3-1983. Thereafter, he did not hear from the department, he served the departmental till August, 1983. More than four years thereafter, he sent a letter dated 10-12-87 stating that he desired to withdraw his letter of resignation dated 14-3-83. It was an admitted fact that after August, 1983 he seized to report for work. The respondent did not hear from the authorities till letter dated 13-6-90 whereby he was informed that since he had resigned by the letter of 14-3-83 the relationship of employer & employee had come to an end & nothing further could be done. After receipt of the said letter in the writ filed for quashing the same the said order was quashed. While allowing the appeal against the order of the High Court Hon'ble Apex Court has observed that :

> "We are afraid we cannot allow the impugned order of the High Court to stand. The facts clearly reveal that under the terms of the contract the respondent was entitled as of right to terminate the contract by one month's notice. That he did and, therefore, on the expiry of the period of one month the relationship came to an end. Under the contract that was a right conferred on the respondent which was not dependent on the management's goodwill. The management did not come in the picture as the right was absolute and on the expiry of 30 days the relationship came to an end. His continuance upto August, 1983 makes no difference. It is also an admitted fact that after August, 1983 he ceased to report for work which is indicative of his desire to terminate the contract of employment. Till 1987, i.e., for over four years he remained quiet and thereafter it suddenly occurred to him that he could take advantage of the fact that there was no formal acceptance of his resignation. He, therefore, dashed off a letter dated December 10, 1987 with a view to withdrawing his resignation letter of March 14, 1983. Even thereafter he did nothing and went on making periodical representations. the last of which was

rejected on June 13, 1990. Treating that as a cause of action he filed the writ petition in question. We think that in the circumstances it is absolutely clear that he had the animus to terminate his relationship by the letter of March 14, 1983. There was, therefore, no question of his being taken back in service after such a long lapse merely because of want of a formal communication accepting the resignation. The conduct of the parties has also relevance and the conduct of the respondent in particular shows his intention to terminate the contract."

29. In 1999 (81) FLR 605 M.P. High Court Hon'ble Court has held that :

"Where the employee by his unilateral action submits, his resignation and abandons his post and stays away from duty for as long as 12 years, he should be deemed to have severed his links with the employer and with the post he was holding of his own volition. In such a case resignation of the employee cannot await acceptance by the competent authority. Nor can such employee be allowed to cash on any in action by such authority in accepting the resignation late. Therefore, it would depend upon the facts and circumstances of the case whether the resignation tendered by the employee would terminate his service on the date of tendering or from the date of acceptance."

30. In the present case the resignaton was tendered by the workman on 25-10-89 & letter of revocation was submitted by him on 23-6-04. It is evident from the record that after proceeding on leave for three days in the year 1989, he did not report on duty & abandoned his post & stayed away from duty since year 1989. His intention to terminate his services by his resignation dated 25-10-89 reflects from his conduct. Thus, the workman should be deemed to have servered his links with the employer bank & with the post he was holding. It appears from the record that just to take advantage of the non-communication of the formal acceptance he enquired about the acceptance of his resignation first time after laps of 12 years vide his letter dated 5-4-02 (Ex-6) & made a request to reconsider his matter. It also appears that he was informed by the management vide letter dated 17-8-2000 that his case could not be reconsidered. Thereafter, he sought information regarding acceptance of his resignation through helpline Rajasthan Patrika. It is evident from the documents Ex. D-7 dated 17-8-2000 & letter dated 7-8-03 written by the workman that it was in the knowledge of the workman before he submitted his letter of revocation on 23-6-04 that his resignation had been accepted. In view of the legal proposition laid down in the aforementioned decisions referred to by the learned representative of the management even in absence of formal acceptance of the resignation, the workman cannot be allowed to cash on any inaction by the management in accepting the resignation.

31. The learned representative for the workman has contended that claim of the workman cannot be denied merely on the ground of delay. In this regard he has relied on RLR 2002(2) 336 & 2011 (128) FLR 121.

32. The aforementioned decisions referred to by the learned representative for the workman are pertaining to delay in raising dispute. In decision RLR 2002(2) 326 the matter was pertaining to delay of 11 years in raising dispute before the Conciliation Officer & question under consideration was whether reference ought to have been declined by the appropriate government merely on the ground of delay. In 2011 (128) FLR 121 Hon'ble Apex Court has observed that government cannot decline to make a reference for laches committed by the workman however, if sufficient materials are not put forth for enormous delay it would be fatal. The facts of the above cases are quite distinguishable. The present matter pertains to enormous delay of 15 years in withdrawal of resignation. The learned representative for the workman does not derive any assistance from the said decisions.

33. Even otherwise, the acceptance of the resignation & its communication is not required udner service. Regulations applicable in the matter of the workman. As per terms & conditions mentioned in the appointment letter of the workman (Ex-D-1), Jaipur Nagaur Aanchalik Gramin Bank (Staff) Service Regulations 1981 (Amended 1982) apply in the matter of the workman. Regulation 10 is pertaining to termination of the service by notice which envisages that an employee shall not leave or discontinue his service in the bank without first giving one month's notice in writing to the chairman of the bank of his intention to leave or discontinue the service. In the said Regulation there is no requirement that the resignation should be accepted by any authority. There is also no requirement regarding communication of the acceptance of the employee tendering resignation.

34. In 1993 SCC 725 Motiram V/s Paramdev & another while considering the question what constitutes desingation & when it takes fact Hon'ble Apex Court has observed as under :

"The act of relinquishment may take different forms or assume a unilateral or bilateral character, depending on the nature of the office and the conditions governing it. If the act of relinquishment is of unilateral character, it comes into effect when such act indicating the intention to relinquish the office is communicated to the competent authority. The authority to whom the act of relinquishment is communicated is not required to take any action and the relinquishment takes effect from the date of such communication where the resignation is intended to

operate in praesenti. A resignation may also be prospective to be operative from a future date and in that event it would take effect from the date indicated therein and not from the date of communication. In cases where the act of relinquishment is of a bilateral character, the communication of the intention to relinquish, by itself, would not be sufficient to result in relinquishment of the office and some action is required to be taken on such communication of the intention to relinquish."

35. In present case, in view of the requirement of only one month's notice by either party for termination of service under Regulation 10, the resignation tendered by the workman was of a unilateral character & in the light of legal propositions laid down in decision supra it came into effect when resignation letter indicating the intention to relinquish the office was communicated to the Chairman of the bank. Therefore, even if the contention on behalf of the workman that his acceptance of resignation was never communicated is accepted, the workman was not entitled to withdraw his resignation on 23-6-04.

36. It has been submitted on behalf of the workman that as per decision in 1989 (1) LLJ 290, 2002 (3) RLR 593, 2001(5) WLC 622, 1997 (3) LLJ 301 & 2004 WLC (UC) 146, acceptance of resignation & communication of acceptance is necessary & resignation can be withdrawn before communication of the acceptance therefore, in the light of said decisions workman was entitled to withdraw his resignation.

37. In 1989 (I) LLJ page 290 D.B. (P&H) an employee submitted his resignation on 12-2-82. He withdrew the same on 26-4-83 & wanted to rejoin duty because his resignation was not accepted till that date. However, the corporation did not allow him to join. In writ petition filed by him, it was held that his withdrawal was effective & the employee was entitled to rejoin duty. Subsequently, the employee joins duty on 15-10-85 & claimed salary for the period 26-4-83 to 15-10-85. In above facts & circumstances Hon'ble Court held that he was entitled for salary & other benefits from the date of withdrawal of resignation till he was allowed to resume duty on the basis that he must be declared to have worked.

38. In RLR 2002 (III) 593 resignation was kept pending & enquiry was initiated against the employee, thereafter, the petitioner therein withdrew his resignation. Apart from this Executive General Manager himself in his statement on oath before civil court categorically stated that he never accepted the resignation of the petitioner, therefore, it was held that Tribunal committed illegality in arriving at finding that resignation was validly accepted.

39. In 2001 WLC 622 acceptance of resignation was subject to condition of depositing amount equal to three months' salary but the petitioner therein did not deposit the same, therefore, it was held that acceptance was not in accordance with law.

40. In 2004 WLC (UC) 146 the resignation was withdrawn on 29-5-90 & resignation was accepted subsequently on 7-3-91, therefore, order accepting the resignation was quashed.

41. In 1997 (III) Supp. page 301 (A.P.H.C.) the petitioner therein submitted resignation on 19-1-1990 on domestic grounds. Her case was even though she requested the respondent to permit her to resign; no action was taken upto 28-3-1990. She made an application in September, 1990 withdrawing her resignation. Vide letter dated 13-2-91 she was informed by the management that her request for withdrawal has not been considered & that she was relieved from the bank service on 28-3-90 which was her last working day at the branch. The respondents taken plea that acceptance of resignation was orally informed to the petitioner by the Chief Manager in 1990 when she attended the bank therefore, it shall be deemed that there is a valid communication of acceptance of the resignation. In this context hon'ble High Court held that oral acceptance is not sufficient.

42. This legal position is not in dispute that the bi-lateral nature of resignation can be withdrawn at any point of time before its acceptance; that resignation can be withdrawn even after acceptance but before effective date it is tender with stipulation to be effective from a future date; that communication of acceptance of resignation to the employee has no relevance as the resignation becomes complete & effective the moment it is accepted by the competent authority & after it is so accepted it cannot be withdrawn. But these legal propositions hold good only in case where an employee resigned from the post & continued to work on the post till his resignation was accepted. Above propositions are not applicable where the employee by his unilateral action submits his resignation abandons his post as long as 12 years.

43. The facts of the case laws referred to by the learned representative for the workman are distinguishable. In present case there is a specific provision under Regulation 10 of the Regulations, 1981 regarding termination of service. Further in none of the case law referred to on behalf of the workman question as to whether resignation was to unilateral nature or bi-lateral nature was under consideration. The decisions turn on its own facts which are quite dissimilar from the case in hand & do not lend any support to the submissions of the learned representative on behalf of the workman.

44. In view of the above discussions, the workman was not entitled to withdraw his resignation on 23-6-04. Accordingly, this point is decided against the workman.

Point No. III.

45. Since, point Nos. I and II have been decided against the workman, the workman is not entitled to be reinstated w.e.f. 25-10-89. This point is also decided against the workman.

Relief

46. In view of conclusions drawn in point Nos. I, II & III, the action of the management in not reinstating the workman from the said date is not unjustified. Resultantly, the workman is not entitled to get any relief. The reference under adjudication is answered accordingly.

47. Aware as above.

48. Let a copy of the award be sent to Central Government for publication u/s 17(1) of the I.D. Act.

N.K. PUROHIT, Presiding Officer

नई दिल्ली, 14 दिसम्बर, 2011

का.आ. 98.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दक्षिण-पूर्व रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 178/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-12-2011 को प्राप्त हुआ था ।

[सं. एल-41012/77/1996-आई आर (बी-I)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 14th December, 2011

S.O. 98.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 178/1997) of the Central Government Industrial Tribunal-cum-Labour Court Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.E. Railway and their workman, which was received by the Central Government on 14-12-2011.

[No. L-41012/77/1996-IR(B-I)]
RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/178/97

SHRI MOHD. SHAKIR HASAN, Presiding Officer

Shri Anil Kumar Singh,
S/o Shri Suryadev Singh,
Ex peon, New Loco Colony,
Bilaspur (MP) Workman

V/s

The D.R.M,
S.E. Railway,
Bilaspur Management

AWARD

Passed on this 21st day of November, 2011

1. The Government of India, Ministry of Labour vide its Notification No. L-41012/77/96-IR(B-I) dated 3-7-97 has referred the following dispute for adjudication by this tribunal :

> "Whether the action of the management of S.E. Railway, Bilaspur in terminating Shri Anil Kumar Singh, Ex. substitute Khalasi from service w.e.f. 31-8-95 vide order No. E/SA/CL. IV/100/CA Sub. B. Peon pt. IV, dated 31-8-95 is justified ? If not to what relief the workman is entitled to ?"

2. The case of the workman, in short is that the workman was initially appointed on 2-12-1992 as substitute Bunglow Peon. Subsequently, he was transferred as Khalasi (substitute) and was posted under C-F/Bilaspur vide order dated 31-8-94. He worked with utmost dedication, honesty and with entire satisfaction of his superior authority. The workman acquired the status of temporary employee after completion of 4 months on 2-4-93 and is entitled to be protected under Statutory Rules. The services of the workman was terminated on 31-8-1995 without assigning any reason and without giving an opportunity of hearing or show-cause notice and without payment of retrenchment compensation. The non-applicant management has not complied the provision of Section 25-F, 25-G and 25-N of the Industrial Dispute Act (in short the Act). The juniors are still working with the management and have been regularized. It is submitted that the reference be answered in his favour and he be reinstated with back wages.

3. The management appeared in the case and filed Written Statement. The case of the management, inter alia, is that admittedly he was initially engaged as substitute Bunglow Peon on 2-12-92 under ADRM/S.E. Railway, Bilaspur with approval of Competent Authority. His engagement was made purely on ad hoc measure and had not conferred any right of future appointment and his services were likely to be terminated at any time without notice. It is stated that the workman's performance was not satisfactory as he misbehaved and disobeyed the orders of the superior. Hence he was removed from service on 27-5-93 vide letter dated 27-5-93. He was paid one month's pay in lieu of notice as per rules. Subsequently, on his mercy prayer and promise of good behaviour in future, he was re-engaged on 29-5-93 vide letter dated 9/10-6-93. However there was no improvement in his behaviour and performance of duties and again in January 1994, misbehaved and disobeyed and made derogatory remarks with his superior but on account of fresh apology, he was given last chance for good behaviour and no action was taken. It is stated that the Addl. Divisional Railway Manager, Bilaspur was to go outside the country on training and then the workman Shri A. K. Singh was transferred temporarily and posted as substitute Khalasi under Carr.

Foreman, Bilaspur vide order dated 13-8-94 with instructions that his engagement was made purely on adhoc basis. The workman was again posted as substituted Bunglow Peon in July 1995 when the Addl. Railway Manager, Bilaspur was about to join. It is stated that again the workman while performing his duty as Bunglow Peon at Add. Rly Manager, Bilaspur misbehaved and also disobeyed with his superior. He was performing his duty in very disinterested manner and there was no improvement. Lastly he was terminated from service on 31-8-1995 vide order dated 31-8-95 in accordance strictly as per rules. The workman is said to have been paid retrenchment compensation in accordance with the provisions of Section 25-F of the Act and had received Rs. 1628 vide P.O. No. 11706 dated 31-8-95 in lieu of notice period for month. It is submitted that there is no merit and the prayer is fit to be dismissed.

4. On the basis of the pleadings, the following issues are framed :

(I) Whether the action of the management in terminating the services of the workman w.e.f. 31-8-95 vide order No. E/SA/CL.IV/100/CA/Sub B. Peon Pt. IV dated 31-8-95 is justified ?

(II) To what relief the workman is entitled ?

5. The following facts appear to have been admitted by the parties in their pleadings.

(1) Shri Anil Kumar Singh was engaged as Substitute Bunglow Peon on 2-12-92 with approval of the Competent Authority.

(2) The letter of appointment (Ext. M/2) shows that the engagement was made purely on adhoc measure and would not confer on the incumbent concerned any title or claim for future appointment as such and his services were likely to be terminated at any time without any notice.

(3) The workman passed the medical examination and was medically fit.

(4) He was finally terminated from service on 31-8-1995 vide order No. E/SA/CL.IV/100/GA/Sub. B. Peon Pt. IV dated 31-8-95 in pursuance of Rule 301 of Indian Railway Establishment Code Vol. I Fifth Edition 1985 (Exhibit M/1) same (Ext. M/5).

(5) He was paid Rs. 1628 a sum of equivalent to the amount of pay and allowance per month in lieu of notice period.

(6) Admittedly the workman had not completed three years service as Sub. B. Peon.

6. **Issue No. I**

Now the important question is as to whether the management is justified in terminating his service in terms of engagement. The workman Shri Anil Kumar Singh is examined in the case. He has supported his case. He has admitted that he was appointed as Bunglow Peon on 2-12-1992. He had no knowledge that he had misbehaved with the superior. He denied that he had tendered any apology and misbehaved in the year 1995. This shows that the stigma which was leveled against him in the pleading of the management is denied by him. He does not know the reason of his termination from service. The workman has filed photocopy of Railway pass and medical fitness Certificate which are marked as Exhibit W/1 and W/2. Exhibit M/2 is the appointment letter filed by the management and is admitted by the workman. This document also corroborates that at the time of appointment, he passed the medical examination and was found medically fit. The evidence of the workman shows that he had no knowledge of the reason of his termination and had denied misbehaviour with the superior. His evidence further shows that he completed 240 days as required under the Act, 1947 and has not been paid compensation.

7. On the other hand, the management has also examined oral and documentary evidence. The management witness Shri R. Shankaran is Assistant Personnel Officer, South East Central Railway, Bilaspur. He has stated in his evidence that the workman had misbehaved and also disobeyed the orders of his superiors and therefore he was terminated from service on 31-8-95. The termination order dt. 31-8-95 (Exhibit M/5) does not disclose these facts. However these allegations are also pleaded by the management in his Written Statement. The management witness has also admitted in his evidence at Para-9 that no chargesheet was served to the workman of these charges. The reasons attributed for not serving any chargesheet was as he was substitute Bunglow Peon. This witness has also admitted that no compensation was also paid. He has also stated that no document with respect to the misbehaviour is filed in Court. Thus it is clear from his evidence that no explanation nor any chargesheet of the allegation of misbehaviour and disobedience of the orders were asked before terminating him from the service. This shows that he was removed from service after making charges against him and such allegation no doubt amounts to stigma on the character of the workman and he had not been given opportunity to defend himself.

8. The learned counsel for the management argued that the substitute Bunglow Peon can be terminated at any time before completion of three years in terms of instructions and conditions of appointment. It is also submitted that the appointment letter which is marked as Exhibit M/2 and is admitted by the workman, also shows that he was engaged purely on adhoc measure and his services were

likely to be terminated at any time without notice. The learned counsel for the management has referred the Instruction letter dated 29-8-2000 of South Eastern Railway. The clause B (i) and C (ii) run as follows :

Clause B (i) :

> A substitute Bunglow peon engaged with the approval of GM and attached to an officer should be screened on completion of 3 years of continuous/ aggregate and satisfactory service, but will continue to work as Bungalow Peon till such time the officer with whom he is attached continues to be posted in a particular post or to another post in this Railway zone."

Clause C (ii) :

> "The services of substitute Bungalow Peons who have not completed even one year of continuous/ aggregate service should be terminated in the event of transfer/retirement of officer and not feasible to adjust him against vacant posts of Bungalow Peons."

It is submitted that he had not completed three years as Substitute Bungalow Peon and therefore the management has rightly terminated his service.

9. The learned counsel for the management has relied a decision passed in O.A. No. 69 of 2006, D. Shankar Rao Vrs. Union of India and others passed by the Hon'ble Central Administrative Tribunal, Jabalpur Bench, Jabalpur. The photocopy of the Judgment is filed by the management wherein the Hon'ble Court had upheld the dismissal order. The said judgment shows that the performance of the said applicant was unsatisfactory and he had threatened the officer under whom he was working and was also unauthorized absent. In that particular case, the applicant's representations were considered and the applicant was personally heard on the charges by the DRM, Raipur. Thereafter, the punishment was upheld by the authority. In the instant case, the workman was never heard by the Authoirty of the charges leveled against him in the Written Statement nor there is any evidence to prove that such allegation was made to him during his tenure of service. The decision appears to be not applicable.

10. The learned counsel for the workman urged that the allegation as has been leveled against the workman was never known to him, nor any showcause nor chargesheet was admittedly served on him. The allegation made in the Written Statement is punitive in nature and is violation of Art. 311(2) of the Constitution. His termination on the basis of charges is a stigma on his character and the order is arbitrary, illegal and punitive in nature. The learned counsel for the workman has also relied a photocopy of a decision passed in O.A. No. 71 of 1994 Shri Surendra Kumar Vrs. Union of India and Others on 26-8-1998 by the Hon'ble Central Administrative Tribunal. Calcutta Bench wherein the Hon'ble Court has held that :

> "In the instant case admittedly the applicant was appointed as a Bunglow Peon in the scale of Rs. 750—940 on 21-6-90 and he was attached with Shri H. S. Pannu, the then Chief Rolling Stock Engineer of the respondents. Subsequently Shri Pannu was transferred as Additional Divisional Manager at Bilaspur who took away his Bungalow peon with lien on 1-6-92. But it is stated in the reply by the respondents that due to unsatisfactory work, disobedience of order and rude behaviour, his service was terminated giving one month's pay in lieu of serving notice. It is true that if the order of termination was passed or issued without casting any stigma on the applicant, the order of termination will not be interfered with by judicial scrutiny, but if the veil of the order is removed and it is found that the termination of the service of the Government Servant was issued for punishment, the Court/Tribunal can interfere with judicial scrutiny. In the reply at para 10 of the reply to the OA it is specifically stated by the respondents that his service was terminated due to unsatisfactory work, disobedience of the order and rude behaviour. So, veil was removed by the respondents in their reply filed to the OA, though the order of termination was innocuous one. In the affidavit of the respondents, it is admitted that his service was terminated not only for unsatisfactory work but for his rude behaviour and disobedience of the order while he was working as Bungalow Peon with Shri Pannu and such allegation no doubt amounts to stigma on the character of the applicant. When the respondents themselves admit that the termination of the applicant was due to disobedience of the order and rude behaviour of the applicant, in that circumstances, we are of the view that a preliminary enquiry for ascertaining the truth of allegations brought against him should have been done by the authority before issuing the termination order on 21-7-92. It is a settled law that no Government employee can be condemned without giving him/her a reasonable opportunity to showcause against the proposed order. The affected persons must know the reason upon which action was proposed in view of the judgment in Dr. Mrs. Binapani De's case reported in AIR 1967 SC 1269. With regard to the cases cited by Mr. Chowdhury, learned counsel, as referred to above, we find that the case at our hand is distinguishable from those cases. In those cases the order of termination was found innocuous and a simpliciter one as these termination orders were issued due to unsatisfactory work which could not be termed as a stigma and thereby the aforesaid judgements cannot be applied to the facts of the instant case, we hold that since as per the admission of the respondents made in para 10 of the reply that his termination was for disobedience of the order

and rude behaviour it warranted a departmental proceeding against him. But the respondents without starting any departmental proceeding about the allegation brought against him, straight away terminated his service. On such admitted state of facts, it is found that the order of termination in the instant case cannot be said to be simpliciter but it was issued with a motive of punishment for his misconduct and rude behaviour and not for unsatisfactory work and there has been blatant violation of the principle of natural justice and thereby we find that the impugned order of termination is arbitrary, illegal and punitive in nature, and violative of Art. 311(2) of the Constitution and thereby the order of termination is liable to be quashed."

The instant case is similar to this case and the impugned order appears to be arbitrary, illegal and punitive in nature.

11. The learned counsel for the workman has also submitted that the provision of Section 25(F) of the Act, 1947 is also violated. The management witness has also stated that no compensation was paid. The termination order dated 31-8-1995 (Exhibit W/5) also shows that one month pay in lieu of notice was only paid and no compensation in view of Section 25-F of the Act, 1947 was paid. Section 25-F of the Act runs as follows :

Section 25-F :

Conditions precedent to retrenchment of workmen - No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until :—

"(a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice;

(b) the workman has been paid, at the time of retrenchment compensation which shall be equivalent to fifteen days average pay for every completed year of continuous service or any part thereof in excess of six months;

(c) notice in the prescribed manner is served on the appropriate Government or such authority as may be specified by the appropriate Government by notification in the Official Gazette."

It is an admitted fact that the provision of Clause (b) and (c) of Section 25-F of the Act, 1947 was not followed. The learned counsel has also relied a decision reported in (1991) 15 Administrative Tribunal Cases 625, Santosh Kumar Yadav Vrs. Deputy Chief Accounts Officer and Others wherein the Hon'ble CAT has held that :

"In the case the learned counsel for the respondents, when asked, could not confirm that the above procedure was followed in the present case. As stated earlier, no statement or other record proving the refusal of payment by the applicant has been submitted. It is not even claimed that any such document exists. It appears that the instructions, referred to above, were not followed in this case and this is obviously because no payment was made at the time of service of the impugned order on the applicant. In these circumstances, it has to be held that the provisions of Section 25-F of the I.D. Act are mandatorily to be complied with prior to the termination and failure to do so renders the order of retrenchment ab initio void. Accordingly the impugned order of termination in this case is legally void and of no effect."

Thus it is clear that there is violation of Section 25-F of Act as well and therefore the action of the management in terminating the services of the workman is not justified. This issue is decided in favour of the workman and against the management.

12. **Issue No. II :**

Considering the discussion made above, I find that the order dated 31-8-95 is not legal and it is set aside. The management is directed to reinstate the workman Shri Anil Kumar Singh will full back wages within two months from the date of award. Accordingly the reference is answered.

13. In the result, the award is passed without any order to costs.

14. Let the copies of the award be sent to the Government of India, Ministry of Labour and Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 14 दिसम्बर, 2011

का.आ. 99.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय उत्पादक एवं सीमा शुल्क समभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर के पंचाट (संदर्भ संख्या 119/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-12-2011 को प्राप्त हुआ था ।

[सं. एल-42012/16/2005-आई आर (सीएम-II)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 14th December, 2011

S.O. 99.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 119/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure, in the industrial dispute between the management of Kendriya Utpadak Evam Seema Shulk Sambhag, Kendriya Utpadak Evam Seema Shulk Karyalaya Range, and their workmen, which was received by the Central Government on 14-12-2011.

[No. L-42012/16/2005-IR(CM-II)]
D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR

Sh. N. K. PUROHIT, Presiding Officer

I.D. 119/2005

Reference No. L-42012/16/2005 [IR(CM-II)]

Dated : 8-11-2005

Sh. Rameshwarlal,
S/o Shri Mathuralal,
R/o vill. Bagdoka, Rajsamand.

V/s

1. The Assistant Commissioner (Central),
   Kendriya Utpadak Evam Seema Shulk Sambhag,
   Near Paras Talkies, Udaipur.
2. The Superintendent,
   Kendriya Utpadak Evam Seema Shulk Karyalaya,
   Range, Kankroli Distt : Rajsamand.

AWARD

18-11-2011

1. The Central Government in exercise of the powers conferred under clause (d) of Sub-section 1 and 2(A) of Section 10 of the Industrial Disputes Act 1947 has referred the Industrial Dispute to this tribunal for adjudication which runs as under :

"क्या नियोजन सहायक आयुक्त केन्द्रीय उत्पादक एवं सीमा शुल्क संभाग, पारस टाकिज के पास, हिरण मगरी, सेक्टर 11 उदयपुर एवं अधीक्षक केन्द्रीय उत्पादक एवं सीमा शुल्क कार्यालय रेंज, कांकरोली काजला राजसमन्द के द्वारा अपने कर्मकार श्री रामेश्वर लाल पालीवाल पुत्र मथुरालाल, अंशकालीन अस्थाई कर्मकार को दिनांक 1.9.2002 से सेवा से बर्खास्त करना न्यायोचित एवं विधि सम्मत है ? यदि नही तो कर्मकार अपने नियोजक से किस राहत को पाने का अधिकारी है ?"

2. The workman in his claims statement has pleaded that he was engaged by the non-applicant on 13-5-1995 as 'Farash' on monthly wages @Rs. 400. He had worked for seven years and also had completed 240 days in each calendar year but despite this without any notice or compensation in lieu of notice his services have been terminated on 1-9-2002 in violation of provisions u/s 25-F of the I.D. Act. He has further pleaded that juniors to him have been retained at the time of his termination in violation of section 25-G of the I.D. Act. The workman has prayed for his reinstatement with back wages.

3. In reply, the non-applicants resisting the claim of the workman have raised preliminary objection regarding maintainability of the claim on the ground that non-applicant establishment does not fall within the definition of the 'industry'. The management has denied the claim of the workman that he had worked for more than 240 days in each calendar year. The management has pleaded that the workman was engaged as Farash on need basis as and when required and for that an amount of Rs. 400 was used to paid as wages.

4. The workman has submitted his affidavit in support of his case. In documentary evidence certain copies of Acquittance Roll have been produced.

5. None appeared on behalf of the management at the stage of evidence of the workman therefore, ex-party proceedings were drawn against the non-applicant on 26-10-2011.

6. Heard learned representative on behalf of the workman and perused the relevant record.

7. The workman has deposed that he was engaged on 13-5-95 on consolidated wages @Rs. 400 per month and he had continuously worked under the employment of the non-applicant till 31-8-2002. He has further deposed that his services have been terminated by the non-applicant without any notice or compensation in lieu of notice. He has also deposed that he was getting Rs. 55 as daily wages at the time of his termination and he was performing work relating to class IV employees.

8. The workman has produced photo copies of Acquittance Rolls dated 13-5-98, 15-4-97, 4-11-97 and 3-12-97 in support of his statement. Upon perusal of the said documents it reveals that an amount of Rs. 400 was used to be paid to the workman as Farash charges. Though it has been denied in the reply to the claim that workman had worked for more than 240 days in each calendar year, but it is an admitted fact that workman was used to be engaged for the work of Farash on need basis as and when required and an amount of Rs. 400 was used to be paid to him as Farash charges.

9. As per settled legal position initial burden was on the workman to show that he had worked for more than 240 days during preceding 12 months from the date of his termination i.e. 1-9-2002. The workman has discharged his

burden by submitting his affidavit and copies of certain Acquittance Roll. Admittedly, the workman had worked as Farash as and when required. Thus, burden of proof shifts on the management to prove that he did not complete 240 days of service in requisite period to constitute continuous service.

10. At the stage of workman's evidence ex-party proceedings were drawn against the management. The workman has not been cross examined on his affidavit. The affidavit of the workman stating that he worked for more than 240 days has not been controverted and there is no evidence on behalf of the non-applicant to disprove the above statement of the workman on affidavit. In absence of any evidence in rebuttal, it can be inferred that the non-applicant has admitted the claim of the workman regarding 240 working days during requisite period.

11. In reply, it is not the case of the non-applicant that notice or compensation in lieu of notice was given to the workman. Since, the workman had worked for more than 240 days during preceding twelve months from the date of his termination and notice or retrenchment compensation was not paid, his termination is in violation of the provisions of section 25-F of the I.D. Act.

12. The workman has pleaded that juniors to him were retained at the time of his termination but he has not disclosed the names of such persons in his claim statement. Even in his affidavit he has not mentioned the names of the persons said to be retained by the management at the time of his termination. Mere bald allegations in his affidavit in this regard cannot be relied upon. There is nothing on record on the basis of which it can be inferred that any junior to the workman was retained at the time of his termination therefore, the workman has failed to prove that any junior to him has been retained in violation of section 25-G of the I.D. Act.

13. The learned representative has contended that termination of the workman is in violation of section 25-F of the I.D. Act therefore, the workman be reinstated with all consequential benefits in this regard. He has relied on 1984(48) FLR 310, 2010(125) FLR 629, 2010 LIC 1039, 2005(5) WLC 553.

14. I have gone through the decisions referred to by the representative for the workman. The facts of the cases referred to are distinguishable. So far as the legal position is concerned, it is well settled that no workman employed in any industry who have been in continuous service for not less than one year under an employer can be retrenched by that employer until conditions enumerated in clause (a) and (b) of section 25-F of the Act are satisfied and non-compliance there of renders the retrenchment of an employee nullity. This legal position is also not in dispute that in case of non-compliance of section 25-F the workman can be reinstated with other consequential reliefs. In case laws referred to by the learned representative the question as to whether in case of violation of section 25-F an award of reinstatement should be automatically passed was not under consideration.

15. Earlier in cases of termination in violation of section 25-F reinstatement of the workman with full back wages used to be automatically granted, but keeping in view several other factors, a change in the said trend is now found in the recent decisions of the Hon'ble Supreme Court. In a large number of decisions in the matter of grant of relief of the kind, Hon'ble Apex Court has distinguished between a daily wager who does not hold a post and a permanent employee.

16. In recent decision (2010) 1 SCC (L and S) 545 Jagbir Singh V/s Haryana State Agriculture Mktg. Board after considering the earlier decisions referred to therein on the point should an order of reinstatement automatically follows in a case of violation of section 25-F of the I.D. Act Hon'ble Apex Court has observed that :

> "It would be, thus seen that by a catena of decisions in recent time, this Court has clearly laid down that an order of retrenchment passed in violation of Section 25-F although may be set aside but an award of reinstatement should not, however, be automatically passed. The award of reinstatement with full back wages in a case where the workman has completed 240 days of work in a year preceding the date of termination, particularly, daily wagers has not been found to be proper by this Court and instead compensation has been awarded. This court has distinguished between a daily wager who does not hold a post and a permanent employee."

17. Continuing this line of approach in decision (2010) 2 SCC (L and S) 376 Hon'ble Apex Court has observed as under :

> "While the earlier view of the Court was that if an order of termination was found to be illegal, normally the relief to be granted would be reinstatement with full back wages. However, with the passage of time it came to be realized that an industry should not be compelled to pay to the workman for the period during which he apparently contributed little or nothing at all. The relief to be granted is discretionary and not automatic. A person is not entitled to get something only because it would be lawful to do so. The changes brought out by the subsequent decisions of the Supreme Court probably having regard to the changes in the policy decisions of the Government in the wake of prevailing market economy, globalization, privatization and outsourcing was evident. Hence now there is no such principle that for an illegal termination of service the normal rule is reinstatement with back wages, and instead the Labour Court can award compensation."

"There has been a shift in the legal position laid down by the Supreme Court and now there is no hard-and-fast principle that on the termination of service being found to be illegal reinstatement with back wages is to be awarded Compensation can be awarded instead, at the discretion of the Labour Court, depending on the facts and circumstances of the case."

18. In present matter, the workman has worked as daily wager and was performing the work relating to farash. He was not holding any regular post. Keeping in view the nature of job and nature of employment, the amount of wages used to be paid to him, the laps of time after termination of the services, the total length of service rendered by the claimant and having regard the entire facts and circumstances of the case, instead of reinstating him the interest of justice will be sub served by paying compensation to the workman instead and in lieu of relief of reinstatement in service.

19. Accordingly, the reference is answered in affirmative in favour of the workman and it is held that the action of the management in termination of the services of the workman being in violation of section 25-F of the Act is illegal and unjustified. Therefore, the non-applicant is directed to pay compensation to the workman worth Rs. 30,000 (Thirty Thousands only) instead and in lieu of his reinstatement of service. The payment shall be made within eight weeks from the publication of the award failing which it shall carry interest @9%.

20. Award as above.

21. Let a copy of the award be sent to Central Government for publication u/s 17(1) of the I.D. Act.

N. K. PUROHIT, Presiding Officer

Printed by the Manager, Govt. of India Press, Ring Road, Maya Puri, New Delhi-110064
and Published by the Controller of Publications, Delhi-110054, 2012